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FINANCIAL REPORTS AND AUDITED FINANCIAL STATEMENTS, AND REPORTS OF THE BOARD OF AUDITORS

Accounting standards

Report of the Secretary-General

I. INTRODUCTION

1. At its forty-seventh session the General Assembly considered a report on progress in the development of common accounting standards for the United Nations system (A/47/443), submitted in response to General Assembly decision 46/445, of 20 December 1991. The report summarized the inter-organization work done on common accounting standards in 1991 and 1992, set out plans for further action and briefly described the characteristics of the draft standards as they then stood.

2. In its decision 47/449 of 22 December 1992, the General Assembly "took note of the report of the Secretary-General on accounting standards, requested the Secretary-General and the executive heads of the United Nations programmes and organizations of the United Nations system, pursuant to General Assembly decision 46/445 of 20 December 1991, to complete their efforts to develop common accounting standards for the organizations of the United Nations system and to take these standards into account in the preparation of their financial statements for the period ending 31 December 1993, and requested the Secretary-General to report thereon to the General Assembly at its forty-eighth session". The present report is being submitted in response to the request at the end of the decision.

II. ACTION IN 1992 AND 1993

3. The Working Party on Accounting Standards, established by the Consultative Committee on Administrative Questions (Financial and Budgetary Questions) (CCAQ(FB)), held two meetings after those mentioned in the last report of the Secretary-General. The meetings took place in December 1992 and June 1993.

Their purpose was to add new provisions to the draft standards, to carry out a critical review of the existing provisions and to deal with other tasks required to complete the text. In these tasks, the Working Party had the assistance of the Technical Group of the Panel of External Auditors of the United Nations, the Specialized Agencies and the International Atomic Energy Agency, which provided comments as the work progressed and participated in joint discussions. The final draft prepared through this process was examined by CCAQ(FB) at its session held from 30 August to 3 September 1993. Subject to a few amendments, CCAQ(FB) expressed satisfaction with the text. The Panel, which participated in the session, indicated through its representatives that in its opinion the amended text represented a sound set of accounting standards for the United Nations system.

III. THE COMMON STANDARDS

4. The text of the standards is set out in the annex to the present report for the attention of the General Assembly, as adopted by the Administrative Committee on Coordination (ACC). The standards are also expected to be submitted to the governing bodies of other organizations of the system in accordance with the procedures applying in each case.

5. As indicated in the text, it is the intention that the standards should be applied throughout the system. Their primary objectives are to provide a framework for accounting and financial reporting in the system which reflects generally accepted accounting principles, while taking account of the specific characteristics and needs of the system; and to promote consistent accounting and financial reporting practice among the organizations. In conjunction with organizations' financial regulations and relevant decisions of their legislative authorities, the standards are intended to form the basis for the accounting policies of each organization, and thus to guide its accounting practice in all matters of material significance.

6. The standards are based essentially on those promulgated by the International Accounting Standards Committee (IASC). Other authoritative sources, including the recommendations of professional bodies concerned with accounting standards in the public sector, have also been consulted. To the extent that there are variations between the common standards and those of the IASC, the main reason is that the IASC standards have been designed to meet the needs of the private sector. Thus some of their major concerns, centred upon matters such as profits, taxation and shareholders' equity, are of limited relevance for the organizations of the system. A further reason for variations is the need for the common standards to cover particular requirements of the system, such as those which arise in relation to the accrual of receipts and expenditure of the different types of resources received.

IV. ISSUES RELATED TO THE COMMON STANDARDS

7. One of the main issues considered during development of the standards was the degree of latitude to be left to individual organizations in the selection of accounting policies and/or methods of disclosure. On this subject, the view of the Panel coincided to a large extent with that of CCAQ(FB), which was that

the standards should give the clearest possible guidance, and that this implied prescriptive provisions in all cases where such provisions were feasible. In application of this principle, the standards establish norms, some of which are expected to lead to important changes in existing accounting policies and practice. Where departures from the standards occur as a result of decisions of the legislative authorities of individual organizations, attention is to be drawn to each instance in the financial statements of the organization concerned.

8. Another issue considered in connection with the standards was their impact on organizations' financial reports and statements. The standards were expected to affect the substance and contents of these documents, but it was recognized that this in itself would not necessarily lead to greater comparability in the general presentation of the documents. CCAQ(FB) regarded such comparability as an important complement to the standards, and agreed that the aim of achieving it should be pursued as a matter of priority. It assigned this task to a Working Party on Financial Statements, which was to be open to participation by accounting specialists from all organizations wishing to be represented. The Working Party was scheduled to hold its first meeting in mid-1994, when CCAQ(FB) had approved precise terms of reference for it.

9. A third issue considered in relation to the standards was the question of their future development. The Panel had recommended that the text adopted should be regarded as a "living document", subject to review, extension and amendment in the light of needs and circumstances. CCAQ(FB) endorsed this approach. It noted that the Working Party on Accounting Standards had already recorded several subjects that would call for further study at a later stage, while the Panel, on its side, had indicated that it would assist in clarifying some of these subjects in the course of future audits. It was planned that the next stage of development work on the standards would begin as soon as the organizations had gained sufficient experience with the application of the existing text. The most recent standards of the IASC could be drawn upon, as well as relevant statements on technical subjects expected to be issued by the Accounting Standards Committee of the International Organization of Supreme Audit Institutions (INTOSAI) and other authoritative bodies.

V. APPLICATION OF THE COMMON STANDARDS

10. The organizations of the system are expected to take the standards into account, as requested by the General Assembly, in the preparation of their financial statements for the period ending 31 December 1993.

11. While the use of the standards will thus begin without delay, the attention of the General Assembly is invited to the view of the Panel, also held by CCAQ(FB), that the process of full adaptation to the common text is likely to extend over several years. This is the case not only because of the changes in financial practices, procedures and systems that will have to be made in a number of instances, but also because in several organizations governing bodies will need to consider changes in financial policies and/or the amendment of financial regulations.

VI. CONCLUSION

12. The Secretary-General believes that the common accounting standards set out in the annex represent a positive response to the requests formulated by the General Assembly on this subject and an important advance for the system. He has been pleased to note the professional quality of the text, the cooperative spirit shown by organizations of the system in drawing it up and their willingness to consider change.

13. The Secretary-General has also been pleased to note the constructive interest of the Panel of External Auditors, whose suggestions have contributed materially to the attainment of results with which both ACC and the Panel itself are in agreement.

14. The General Assembly is invited to take note of the common standards and of the organizations' plans for their application and development.

ANNEX

United Nations System Accounting Standards

Preface

The common inter-organization accounting standards set out in this document have been approved by the Administrative Committee on Coordination (ACC) in response to a request by the United Nations General Assembly, in its decision 46/445 of 20 December 1991, that the Secretary-General should "propose a set of accounting standards for common application to the United Nations system". The standards have been developed by accounting specialists of organizations of the system under the auspices of ACC's Consultative Committee on Administrative Questions (CCAQ), in consultation with the Panel of External Auditors of the United Nations, the Specialized Agencies and the International Atomic Energy Agency, for presentation to the General Assembly at its forty-eighth session.

The primary objective of the standards is to provide a framework for accounting and financial reporting in the United Nations system which reflects generally accepted accounting principles, while taking account of the specific characteristics and needs of the system. A further objective is to promote consistent accounting and financial reporting practice between the organizations.

Underlying these objectives are needs for governments and other contributors to the organizations to have the means to judge the manner in which resources made available by them are used, and for the management of each organization to demonstrate that it has fulfilled its responsibility for stewardship and accountability in respect of such resources.

Accounting and financial reporting in accordance with the standards should among other things assist those concerned:

(i) To ensure consistent and transparent treatment and disclosure of financial transactions;

(ii) To assess the financial position and its evolution over time;

(iii) To ascertain the sources from which income has been derived and the ways in which it has been used; and

(iv) To judge financial performance under approved budgets.

It is the intention of ACC that the standards should be applied throughout the system. In conjunction with organizations' financial regulations and relevant decisions of their legislative authorities, the standards should form the basis for the accounting policies of each organization, and thereby guide its accounting practice in all matters of material significance.

Given the wide range of mandates of the organizations, their structures and methods of operation are very diverse. Their individual legislative authorities have ultimate responsibility for deciding on the orientation and conduct of

their work and the related financial arrangements. In these circumstances the regulations, rules and decisions adopted may in some cases involve variations from common approaches as exemplified in the standards. ACC has included a provision in the standards specifying that attention will be drawn to any such variations in the financial statements of the organizations concerned.

United Nations System Accounting Standards

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Foreword

1. The accounting standards agreed for application in organizations of the United Nations system are based to a large extent on relevant International Accounting Standards promulgated by the International Accounting Standards Committee, to which appreciation is expressed for its permission to draw upon its texts, as listed in the appendix. Where differences from the International Accounting Standards exist, it is mainly because of the essentially non-commercial nature of the organizations' activities. A further important factor is the central place of approved budgets in the organizations' operations, which makes it necessary to focus on accounting for income and expenditure in the framework of those budgets.

2. By their nature, the standards have to be open to modification, development and refinement as accounting principles evolve and new needs emerge in the system itself. They will accordingly be reviewed on a periodic basis through the same procedures as those through which they have been established.

3. Where individual organizations find it necessary to depart from the practice set out in the standards they should disclose the reasons for doing so in the statement of significant accounting policies included in their financial statements.

General Framework

4. Going concern, consistency and accrual are fundamental accounting assumptions, which are described below as they apply in the United Nations system. Where fundamental accounting assumptions are followed in financial statements, disclosure of such assumptions is not required. If these fundamental accounting assumptions are not followed, that fact should be disclosed together with the reasons.

(i) Going concern - The organization is normally viewed as a going concern, that is, as continuing in operation for the foreseeable future. It is assumed that the organization has neither the intention nor the necessity of liquidation or of curtailing materially the scale of its operations.

(ii) Consistency - It is assumed that accounting policies are consistent from one financial period to another.

(iii) Accrual - The accrual basis of accounting for revenue in each financial period means that income is recognized when it is due and not when it is received. Accrual of expenditure in each financial period means that costs are recognized when obligations arise or liabilities are incurred and not when payments are made.

5. Prudence, substance over form and materiality, as described below, should govern the selection and application of accounting policies.

(i) Prudence - Uncertainties inevitably surround many transactions. This should be recognized by exercising prudence in preparing financial statements. Prudence does not, however, justify the creation of secret or hidden reserves.

(ii) Substance over form - Transactions and other events should be accounted for and presented in accordance with their substance and financial reality and not merely with their legal form.

(iii) Materiality - Financial statements should disclose all items which are material enough to affect evaluations or decisions and all material information which is necessary to make the statements clear and understandable.

6. Where an organization has activities which are of a commercial nature, it may be appropriate to apply international accounting standards (e.g. IAS 18, on income recognition), in which case that should be specified.

Financial Statements

7. The objective of financial statements is to provide information about the financial position and performance of the organization, changes in its financial position, and compliance with legislative and other authorities. A complete set of financial statements should include: a statement of assets and liabilities (balance sheet); an income and expenditure statement; a statement of changes in financial resources (cash flow statement or statement of sources and applications of funds); and those notes and other statements and explanatory material which form an integral part of the statements. Financial statements may also include supplementary schedules and information based on or derived from, and expected to be read with, such statements.

8. Financial statements should have the qualitative characteristics required to make the information provided useful to readers. The four principal qualitative characteristics are understandability, relevance, reliability (accuracy, neutrality and completeness) and comparability over time. Compliance with the principal qualitative characteristics and appropriate accounting standards normally results in financial statements that convey what is generally understood as a true and fair view of, or as presenting fairly, the financial position of the organization at the end of the financial period, the results of its operations for that period and changes in its financial position.

9. Subject to the present standards and relevant inter-organization agreements on the harmonization of financial statements, each organization should adopt the form of presentation for its statements which is most informative in the circumstances.

10. Financial statements should include clear and concise disclosure of all significant accounting policies which have been used.

11. The disclosure of the significant accounting policies used is an integral part of the financial statements. The policies should be disclosed in one place, which is the notes to the financial statements, with cross-references as necessary to individual statements.

12. Wrong or inappropriate treatment of items in statements of assets and liabilities, income and expenditure statements or other statements is not rectified either by disclosure of accounting policies used or by notes or explanatory material.

13. Unusual items or prior period items should be disclosed if they have a material effect on the financial statements. Such items should be either:

(i) Reported by adjusting opening balances in the financial statements for the current period and amending the comparative information in respect of prior years which is included in the financial statements; or

(ii) Separately disclosed in the current statement of income and expenditure as part of net income.

In either case the disclosure relating to these items should be adequate to facilitate comparisons of the figures for the periods presented.

14. A change in accounting policy should be made only if the adoption of a different accounting policy is required by resolution of the competent legislative authority or by the present accounting standards (endorsed as necessary by legislative authority), or if it is considered that the change would result in a more appropriate presentation of the financial statements.

15. If there is a change in accounting policy that has a material effect in the current period, or may have a material effect in subsequent periods, the effect of the change should be disclosed and quantified, together with the reason for the change.

16. A change in an accounting estimate should be accounted for as part of income or expenditure relating to the ordinary activities of the organization in:

(i) The period of change if the change affects that period only, or

(ii) The period of change and future periods if the change affects both.

Revision of an estimate that relates to an item that was treated as an unusual item should itself be reported as unusual.

17. Contingent gains or losses, or events occurring after the end of the financial period, should be disclosed in the financial statements if they are considered to be of such importance that non-disclosure would affect the ability of users of the financial statements to make proper evaluations and decisions. If disclosure is necessary, the following information should be provided:

(i) The nature of the contingency or event and factors that may affect any future outcome;

(ii) An estimate of the financial effect, or a statement that such an estimate cannot be made.

18. Financial statements for assessed regular budgets should relate actual expenditure to budgeted expenditure for the period. At the summary level, statements of income and expenditure and of assets and liabilities should show corresponding figures for the preceding period.

19. The name of the organization, the balance sheet date and the period covered by financial statements, and the currency in terms of which they are expressed, should be stated.

20. The amounts and classifications of items should be supplemented by any additional information required to make their meanings clear. Significant items should not be included with, or offset against, other items, without separate identification.

21. All income and expenditure of the organization, whatever the source of funds, should be reported. The extent of consolidation of income and expenditure in respect of different sources of funds (regular budget, extrabudgetary and any other resources) is a matter of judgement and depends on the extent to which it is meaningful and useful.

22. A statement of changes in financial resources concerning the organization's assessed regular budget and, where appropriate, other funds, should be included as an integral part of its financial statements. The statement of changes in financial resources should be presented for each period for which the financial statements are prepared. Each organization should adopt the form of presentation for this statement which is most informative in the circumstances.

Currency questions

23. The accounts of the organizations are maintained, and their financial statements are presented, in the currency or currencies best suited to their operations. Where a transaction occurs in a currency other than the currency of account, it should be recorded in the organization's accounts and reflected in its financial statements in the currency of account.

24. A transaction in a currency other than the organization's currency of account should be recorded in the currency of account by applying (i) the United Nations operational rate of exchange, (ii) the budget rate of exchange or other rate of exchange approved by the legislative authority of the organization, or (iii) the actual rate of exchange yielded at the time of the transaction. The United Nations operational rate of exchange should be the benchmark rate of exchange for the determination of exchange gains and losses.

25. Where organizations enter into forward exchange contracts or other financial instruments for hedging against currency fluctuations, they should disclose in their financial statements the value of outstanding contracts, together with the basis used for measuring and reporting the transactions.

26. Differences on exchange and income or expense relating to forward exchange contracts or other financial instruments should be cleared into income or expenditure or into an authorized reserve account in the financial period in which they arise.

27. In the statement of assets and liabilities, for the purpose of reporting items denominated in currencies other than the currency of account:

(i) Monetary items (that is, money held and assets and liabilities to be received or paid in fixed or determinable amounts of money) should be reported using the United Nations operational rate of exchange in effect at the reporting date. Where changes in market rates of exchange are such that the use of this rate would cause a material discrepancy in the valuation of such items, the operational rate of exchange for the subsequent month (reflecting the market rate at the end of the financial period) may be used, subject to disclosure;

(ii) Non-monetary items which are carried in terms of historical cost should be reported using the United Nations operational rate of exchange at the date of the transaction; and

(iii) Non-monetary items which are carried at fair value should be reported using the United Nations operational rate of exchange in effect at the reporting date in determining their value.

Income and expenditure

(a) Income

28. Income for a financial period is defined in the United Nations system as money or money equivalent received or accrued during the financial period which increases existing net assets. The following are the main types of income received by the organizations:

(i) Contributions assessed under

- regular budgets, or
- special accounts;

(ii) Voluntary contributions pledged

- in cash, or
- in kind;

(iii) Voluntary contributions received to fund specific activities under trust-fund and other arrangements;

(iv) Contributions received under inter-organization arrangements;

(v) Miscellaneous income and income derived from revenue-producing activities.

29. Income from assessed contributions represents a legal obligation of contributors as from the date when it becomes due and payable. Such income should accordingly be recognized as at that date. However, in the interests of prudent financial management, provision may be made as appropriate for delays in the collection of the income so recognized.

30. Voluntary contributions formally pledged represent a good faith commitment of the contributor for the period and/or programme to which they relate. Such income should accordingly be recognized in that period. However, in the interests of prudent financial management, provision may be made as appropriate where the collection of the income so recognized is considered doubtful. In specific cases, where the pledge is deemed uncollectible, write-off action will be required. Alternatively, the income may be recognized only when funds are received.

31. Voluntary contributions in kind, if the particular nature of the organization's operations so requires, should recorded in the books of account. Where circumstances so warrant, contributions in kind should be disclosed in a note to the financial statements. Such contributions should be valued at the donor's valuation, fair market value or budgeted value, whichever the organization considers to be most appropriate. The basis of valuation should be disclosed. The recording of voluntary contributions in kind as income and expenditure should take place simultaneously.

32. Voluntary contributions received to fund specific activities represent monies received in advance for the execution of those activities and held in trust. Such contributions are accordingly recorded only when received.

33. Miscellaneous income is defined in the United Nations system as income other than (i) the value of assessed or voluntary contributions and (ii) such other income items as may be excluded under the organization's financial regulations and rules. Miscellaneous income normally includes bank and investment interest and income from publications and services. Miscellaneous income should be recorded on an accrual basis.

(b) Expenditure

34. Expenditure for a financial period is the sum of the disbursements and valid unliquidated obligations made against the appropriation/allocation of the period. The main types of expenditure incurred by the organizations are (i) expenditure under assessed regular or special budgets, which is governed by organizations' financial regulations, and (ii) expenditure under voluntary contributions, which may be governed either by the organizations' financial regulations or by separate rules established in accordance with those regulations.

35. Obligations are amounts of orders placed, contracts awarded, services received and other transactions which involve a charge against the resources of the current financial period and which will require payment during the same or a future period. Obligations under assessed regular or special budgets are maintained for the period specified in the organizations' financial regulations. Obligations charged to voluntary contributions may be maintained either for that period or until liquidated or cancelled.

36. Obligations may be increased during the financial period to which they relate according to the same rules as those applying to their establishment. During their period of validity they should be reduced as soon as they come to represent a decreased charge against the resources of the organization, and cancelled as soon as they no longer represent such a charge; in these cases the accounts should be adjusted in accordance with the organization's financial regulations and rules.

37. Obligations unliquidated at the end of a financial period which continue to represent a charge against the resources of the organization should be maintained if the relevant regulations or rules so permit, and shown as a liability in the accounts. Any other remaining unliquidated obligations should be cancelled. Where obligations remain a valid charge but are required to be cancelled because of time-limits under the relevant regulations or rules, corresponding new obligations should be established against the resources of the current financial period.

38. Where commitments are incurred against future financial periods, they should be recorded in the organization's accounts or disclosed in a note to the financial statements. Disbursements against such commitments should be recorded as deferred expenditure.

39. The costs of non-expendable equipment, furniture and motor vehicles should be charged to expenditure on purchase.

40. Losses represent other items that meet the definition of expenses and may, or may not, arise in the course of the ordinary activities of the organization. Losses, which include for example losses or thefts of cash, stores or other assets, are not different in nature from other expenses.

41. Transfers to reserve accounts should be fully disclosed.

Assets and liabilities

42. Assets, liabilities, and fund balances and reserves are the elements directly related to the measurement of organizations' financial position. They are defined as follows:

(i) An asset is a resource owned by or due to the organization as a result of past events;

(ii) A liability is a present obligation of the organization arising from past events, the settlement of which is expected to result in an outflow of resources from the organization;

(iii) Fund balances and reserves represent the difference between the assets and liabilities of the organization.

43. The amount at which an asset or liability is stated in the financial statements should not be reduced by the deduction of another liability or asset unless a legal right of set-off exists and the offsetting represents the expectation as to the realization of the asset or settlement of the liability.

44. The statement of assets and liabilities presents the financial position of the organization at a given moment in time. Information to be disclosed in the statement is set out in the following paragraphs.

(a) Assets

45. Assets to be disclosed include, amongst others, the items mentioned below. They should be listed in descending order of liquidity and any restrictions on title should be indicated:

(i) Cash, including cash on hand, current and call accounts and term deposits with banks. Separate disclosure should be made of any amounts held in non-convertible currencies;

(ii) Marketable securities. The market value should be disclosed if it is different from the carrying amount in the financial statements;

(iii) Receivables, including contributions outstanding, inter-fund receivables and advances, and debit balances and advances under other accounts. There should be disclosure in the statement of assets and liabilities, or in supporting schedules, of current contributions outstanding, arrears of contributions and contributions payable in instalments, with detailed listings by Member States;

(iv) Land and buildings. The value of such property should be disclosed, and the method of valuation (cost, valuation or nominal) should be clearly stated.

46. The inventory value of non-expendable equipment, furniture and motor vehicles should be disclosed and the method of valuation (cost or valuation) should be clearly stated in a note to the financial statements.

47. The costs incurred during construction or major long-term acquisitions which extend over more than one financial period should be accumulated and disclosed in a separate account. The sources of financing of the operation should be disclosed separately. On completion the construction or acquisition should be brought to account at final cost, and any remaining liability for the financing thereof should be separately shown.

48. Separate disclosure should be made of the amounts and timing of commitments for acquisition of land or buildings.

(b) Liabilities

49. Liabilities to be disclosed include, amongst others, the items mentioned below. They should be listed in the order of increasingly distant due dates, and any security given in respect of them should be disclosed.

(i) Payments or contributions received in advance;

(ii) Bank loans and overdrafts;

(iii) Unliquidated obligations;

(iv) Inter-fund payables and borrowings;

(v) Other accounts payable, credit balances and accrued expenses;

(vi) Other funds and special accounts;

(vii) Other loans payable after one year.

50. Separate disclosure should be made of any secured or unsecured borrowings, and a summary of the interest rates and repayment terms should be provided.

(c) Fund balances and reserves

51. Fund balances and reserves include, amongst others, the following items:

(i) Surpluses or deficits;

(ii) Working capital funds;

(iii) Capital funds relating to land and buildings;

(iv) Other reserves.

52. The nature of each capital fund and reserve account, the authority for establishing it, its authorized level, its source of funding and movements in its constituent funds should be separately disclosed.

53. The value of any accumulated surplus or deficit should be separately disclosed. Surpluses under assessed regular budgets should be disclosed in such a manner as to enable users of the organizations' financial statements to

ascertain the amounts actually available for distribution under the provisions of its financial regulations which relate to the surrender of such surpluses.

54. Liabilities for end-of-service benefits (and post-retirement benefits) should be provided for in the accounts to the extent required by the financial policies of the organization. In so far as such liabilities are not fully provided for, appropriate disclosure should be made in the notes to the financial statements and the total estimated liabilities quantified where possible.

APPENDIX

Accounting Standards of the International Accounting Standards Committee drawn upon in developing the United Nations system accounting standards

Framework for the Preparation and Presentation of Financial Statements

IAS 1	Disclosure of Accounting Policies
IAS 5	Information to be Disclosed in Financial Statements
IAS 7	Statement of Changes in Financial Position
IAS 8	Unusual and Prior Period Items and Changes in Accounting Policies
IAS 10	Contingencies and Events Occurring after the Balance Sheet Date
IAS 13	Presentation of Current Assets and Current Liabilities
IAS 16	Accounting for Property, Plant and Equipment
IAS 17	Accounting for Leases
IAS 18	Revenue Recognition
IAS 21	Accounting for the Effects of Changes in Foreign Exchange Rates
IAS 27	Consolidated Financial Statements and Accounting for Investments in Subsidiaries
E 44	The Effects of Changes in Foreign Exchange Rates (Exposure Draft)

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ZONE OF PEACE AND COOPERATION OF THE SOUTH ATLANTIC

Report of the Secretary-General

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I. INTRODUCTION

1. At its forty-seventh session, the General Assembly adopted resolution 47/74 of 14 December 1992 entitled "Zone of peace and cooperation of the South Atlantic" which, inter alia, took note of the report of the Secretary-General in accordance with its resolution 46/19 (A/47/424 and Add.1-3). The Assembly welcomed the recent initiatives aimed at the full entry into force of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) 1/ and stressed the relevance of such initiatives for the advancement of the objectives and principles of the zone of peace and cooperation of the South Atlantic; and affirmed the importance of the South Atlantic to global maritime and commercial transactions and its determination to preserve the region for all activities protected by relevant international law, including the freedom of navigation in the high seas.

2. The General Assembly stressed the importance for the zone of peace and cooperation of the South Atlantic of the results of the United Nations Conference on Environment and Development, particularly the principles of the Rio Declaration on Environment and Development 2/ and the programmes set forth in Agenda 21, 3/ as well as the United Nations Framework Convention on Climate Change 4/ and the Convention on Biological Diversity; 5/ noted with interest the hope expressed by the countries of the zone to welcome in the near future a non-racial, democratic South Africa into the community of South Atlantic States; and took note with satisfaction of the initiative of the Government of Namibia to host a meeting of the Ministers for Trade and Industry of the countries of the zone at Windhoek in 1993.

3. The General Assembly requested the relevant organizations, organs and bodies of the United Nations system to render all appropriate assistance, which States of the zone might seek in their joint efforts to implement the declaration of the zone of peace and cooperation of the South Atlantic.

4. The General Assembly also requested the Secretary-General to keep the implementation of Assembly resolution 41/11 of 27 October 1986 and other subsequent resolutions on the matter under review and to submit a report to the Assembly at its forty-eighth session, taking into account, inter alia, the views expressed by Member States.

5. Pursuant to the above resolution, the Secretary-General addressed a note verbale on 12 August 1993 to the Governments of the States Members of the United Nations, requesting their views on the implementation of the declaration on the zone of peace and cooperation of the South Atlantic.

6. Pursuant to paragraph 11 of General Assembly resolution 47/74, which called upon the relevant organizations and bodies of the United Nations system to render all appropriate assistance which States of the zone might seek in their joint efforts to implement the declaration of the zone of peace and cooperation of the South Atlantic, letters were dispatched on 11 August 1993 to the organizations and bodies of the United Nations requesting them to convey their contributions for the preparation of the report of the Secretary-General by 15 September 1993.

7. Communications received from those institutions are set out in section III of the present report.

8. As at 8 November 1993, seven Governments had replied to the Secretary-General, one of which stated that it had no comments for the time being. Any further replies and notifications that may be received at a later date will be published as addenda to the present report.

II. REPLIES RECEIVED FROM GOVERNMENTS

ARGENTINA

[Original: Spanish]

[20 September 1993]

1. The Government of Argentina wishes to highlight the existing climate of harmony and cooperation between the countries in the southern cone of America, which has made it possible to consolidate peace and stability in that part of the world.

2. Towards that end, and within the framework of their policy of cooperation, non-proliferation and security, Argentina and Brazil initiated a joint system for accounting for and controlling nuclear materials whose basic purpose is to ensure that nuclear materials are not diverted for the building of nuclear bombs. This system is being implemented by the Brazilian-Argentine Agency for Accounting for and Control of Nuclear Materials (ABACC), established for that purpose.

3. Furthermore, the House of Deputies of the National Congress is facilitating the legislative approval needed for ratification of the amendments to the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco).

4. Argentina has ratified the quadripartite agreement on international nuclear safeguards, signed with Brazil, the International Atomic Energy Agency and ABACC.

5. In addition, Argentina, Brazil and Chile are signatories to the Mendoza Declaration by which they have undertaken not to develop, store or use chemical or biological weapons. Subsequently, Ecuador, Uruguay, Bolivia and Paraguay have also acceded to the agreement. This undertaking can be considered a major contribution to the non-proliferation of means of mass destruction.

6. In the context of paragraph 2 of General Assembly resolution 45/36 of 27 November 1990, it is important to point out that the situation described in paragraph 3 of the Argentine Government's reply at the forty-sixth session regarding the zone of peace and cooperation in the South Atlantic (A/46/410 and Add.1 and 2) still exists. Solving this important problem would make possible the definitive consolidation of stability and cooperation in the South Atlantic.

EL SALVADOR

[Original: Spanish]

[25 September 1993]

1. The Government of El Salvador wishes to reiterate its full support for General Assembly resolutions 41/11 of 27 October 1986 and 47/74 of 14 December 1992, concerning the declaration of a zone of peace and cooperation of the South Atlantic. It wishes to emphasize that all the States of the South Atlantic and other States with interests in that zone should recognize the need to implement the aforementioned resolutions and, in particular, the need to preserve the region from measures of militarization, the presence of foreign military bases, the arms race and, above all, nuclear weapons, and from acts that infringe upon the sovereignty, territorial integrity and independence of the States of the South Atlantic, and to protect the environment and freedom of navigation in the high seas.

2. In the view of the Government of El Salvador, it is essential that the States of the region that still have internal problems strive to settle their differences by means of dialogue and cooperation. Moreover, countries and colonial Powers with territorial disputes in that zone should redouble their efforts urgently to find a just, peaceful and lasting solution to any conflict that may arise, with a view to creating the necessary climate and building the confidence required, in order to preserve and maintain peace, stability and security in the zone of the South Atlantic, thereby helping to ensure compliance with those excellent resolutions and to translate them into practice.

NAMIBIA

[Original: English]

[8 November 1993]

1. During the Ministerial Meeting of the Zone of Peace and Cooperation of the South Atlantic of 5 October 1993, the Minister for Foreign Affairs of the Republic of Namibia briefed the meeting about the progress achieved between the Governments of Namibia and South Africa on the reintegration of Walvis Bay and the offshore islands into Namibia.

2. As a result, in the Declaration of the Ministerial Meeting of the Zone of Peace and Cooperation of the South Atlantic (A/48/481, annex), the Ministers welcomed the agreement reached between the Governments of Namibia and South Africa and set 28 February 1994 as the date for the transfer and reintegration of Walvis Bay and other offshore islands into Namibia, in accordance with United Nations Security Council resolution 432 (1978) of 27 July 1978.

3. The Ministers commended the Government of the Republic of Namibia for successfully achieving this noble goal through peaceful means.

4. The Government of Namibia will host the meeting of Ministers for Trade and Industry of the Zone of Peace and Cooperation of the South Atlantic to be held at Windhoek from 26 to 28 November 1993.

NIGERIA

[Original: English]

[4 November 1993]

1. By a letter dated 4 November 1993, the Government of Nigeria, as coordinator of the zone of peace and cooperation of the South Atlantic, requested the Secretary-General to circulate the Declaration of the Ministerial Meeting of the Zone of Peace and Cooperation of the South Atlantic of 5 October 1993 as an official document of the General Assembly.

2. In response to that request, the United Nations Secretariat has reproduced the Declaration in the annex to document A/48/581.

UNITED ARAB EMIRATES

[Original: Arabic]

[29 September 1993]

Given the belief of the United Arab Emirates that peace and cooperation represent the proper basis that should govern relations between States at the regional and international levels, and on the basis of its desire and aspiration that the Gulf region should be a lake of security, peace and cooperation and the Middle East region a zone free of weapons of mass destruction, the Government of the United Arab Emirates is of the view that General Assembly resolution 47/74 of 14 December 1992 entitled "zone of peace and cooperation of the South Atlantic" contains concepts and principles of regional and international importance. Their application in the region situated between Africa and South America would create a peaceful and secure environment and promote social, economic and environmental stability and would serve as a good example of the importance of the role of the United Nations in disseminating peace, security and cooperation among States in the light of the recent changes in the international arena.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

[Original: English]

[1 October 1993]

The Government of the United Kingdom of Great Britain and Northern Ireland welcomes the objectives of General Assembly resolution 47/74 of 14 December 1992, which are to promote peace and cooperation in the South Atlantic. In this regard, the Government wishes to draw the attention of the

Secretary-General to positive developments in relations between the United Kingdom and Argentina which have contributed to the lessening of tension in the South West Atlantic. In particular, the Government of the United Kingdom wishes to emphasize the continuing progress in bilateral cooperation on fisheries that has contributed to the conservation of stocks and the continued contribution of the confidence-strengthening measures agreed to at the Madrid talks in February 1990 and modified in September 1991 6/ and in July 1993 7/ in avoiding incidents in the military sphere in the South Atlantic.

III. REPLIES RECEIVED FROM ORGANIZATIONS AND BODIES OF THE UNITED NATIONS SYSTEM

United Nations Conference on Trade and Development

1. The United Nations Conference on Trade and Development (UNCTAD) has taken some initiatives aimed at contributing to the process of integration of a post-apartheid South Africa into the existing framework of economic cooperation in the region. It has also been following closely developments concerning the Meeting of Ministers for Trade and Industry, to be held at Windhoek in 1993, with a view to identifying regional cooperation programmes that it could initiate or support.

2. Within UNCTAD, there is a donor-recipient mechanism for holding consultations on support measures for regional and subregional economic cooperation programmes and projects. The mechanism provides for structured discussions on assistance to specific cooperation programmes and projects, and this mechanism could also make a useful contribution to the implementation of General Assembly resolution 47/74 of 14 December 1992.

3. Paragraph 5 of General Assembly resolution 47/74 stresses the importance for the zone of the results of the United Nations Conference on Environment and Development, particularly the principles of the Rio Declaration on Environment and Development 2/ and the programmes set forth in Agenda 21, 3/ as well as the United Nations Framework Convention on Climate Change 4/ and the Convention on Biological Diversity. 5/ The Commodities Division of UNCTAD is currently involved, under its work programme on sustainable development, natural resources management and commodities, in a number of activities which could contribute in the future to the implementation of General Assembly resolution 47/74 as regards the above-mentioned areas. One of them is the subprogramme on "Improved natural resources management in the commodity sector", whose objective is to identify concrete policy proposals which would ensure that production and trade are consistent with a better management of natural resources and protection of the environment. Several case-studies will be undertaken for mineral, agricultural, fish and shrimp and forestry products. In this respect, the projected work on the sustainable use of fishery resources may be particularly relevant. In the selection of countries and the preparation of the case studies, the South Atlantic zone will be appropriately taken into account.

4. Work has already started through a study financed by a grant from the Government of the Netherlands on "Market conditions and sustainable development of fishery resources", prepared by Mr. V. M. Kaczinsky from the School of Marine Affairs of the University of Washington at Seattle. The study covers intensity

of resource use, resource exploitation, management and sustainable development in fisheries; the implications of international market mechanisms on marine fishery resource utilization and the environment; and, policy recommendations in the national and international perspective. Certain sections of the study contain interesting data and specific references to the South Atlantic zone.

5. Another area of work by UNCTAD is that related to the implementation of the Convention on Biological Diversity. 5/ In this connection, a note was presented to the United Nations Environment Programme (UNEP) in the framework of the "full cooperation" requested between the Executive Director of UNEP and other relevant international organizations in resolution 2 adopted by the Conference for the Adoption of the Agreed Text of the Convention on Biological Diversity, held on 22 May 1992. The planned activities include the management of fishery resources and its impact on the conservation and sustainable use of marine biological diversity; the capture and expansion of economic benefits, including through international trade, from the conservation and sustainable use of marine biodiversity; the internalization of costs and resource values linked to marine biodiversity; and access to, and transfer of, technology related to the conservation and sustainable use of marine biodiversity. All or some of these activities may also refer to the particular case of the South Atlantic zone.

United Nations Development Programme

Namibia

1. The Governing Council of the United Nations Development Programme (UNDP), at its thirty-eighth session in June 1991, decided to extend special assistance to Namibia equivalent to that given a least developed country. As such, Namibia has continued to benefit from enhanced allocation of UNDP resources as if it were one of the least developed countries.

South Africa

2. UNDP has followed closely the progress of South Africa towards establishing a democratic and non-racial nation, which would make it possible for UNDP to support programmes of technical assistance in that country.

3. UNDP has set up an internal task force which is making preparatory arrangements for the establishment of a UNDP presence inside South Africa, possibly in 1994.

4. In addition, UNDP has been playing an active role in the core group involving major donors such as the Commonwealth Secretariat, the World Bank, the European Economic Community and the United Nations Centre against Apartheid to make preparatory arrangements for a possible donors' conference for South Africa after the general elections in 1994.

Angola

5. In Angola, the United Nations assisted in the verification and monitoring of the first national elections, held on 29 and 30 September 1992, following the peace agreement signed in May 1991.

6. Through technical assistance under a project executed by the Department of Economic and Social Development of the United Nations Secretariat, UNDP provided support to the National Electoral Council of Angola in the organization of the electoral process, as well as the coordination of the technical assistance provided directly to the National Electoral Council from other donors.

7. Through the project "Special Relief Programme for Angola" (ANG/90/010), UNDP provided assistance to the coordination and delivery of humanitarian assistance in Angola since November 1990. Beginning in 1993, UNDP has been providing logistic support to the United Nations Unit for Coordination of Humanitarian Assistance.

8. UNDP has also assisted in the organization and implementation of training programmes for the reintegration of demobilized soldiers.

Liberia

9. In Liberia, UNDP has been assisting the emergency humanitarian operations from the very outset by providing the services of the Special Coordinator and other administrative staff, in addition to meeting logistic support and management costs. Together with his team of UNDP international and national colleagues, the Special Coordinator has been leading the emergency relief operations carried out throughout the country by the United Nations system, namely, the United Nations Children's Fund, the World Food Programme, the Office of the United Nations High Commissioner for Refugees, the Food and Agriculture Organization of the United Nations and the World Health Organization. Four operational centres have been established in rural areas to enhance the delivery capacity of both United Nations and non-governmental organization programmes to populations with the greatest need. Following the peace agreement signed at Cotonou, general elections are to be held in the near future and UNDP will provide the necessary technical assistance.

Toxic waste disposal

10. Tens of thousands of unusable pesticides have accumulated in Africa and have become a source of great environmental concern. These are pesticides that can no longer be used because they have deteriorated or because their use has been banned or is no longer desirable. The total quantity of this hazardous waste in Africa is estimated to be between 20,000 and 60,000 metric tons.

11. Unwanted stocks include organo-chlorines which have either been banned or are now considered undesirable. Some of these stocks are 20 to 30 years old. Estimates suggest that there are 500,000 litres of dieldrin stored in various locations in Africa. Another important group of unwanted pesticides are organo-phosphates. Storage facilities are poor or, in some cases, non-existent. Many examples can be found of corroded drums lying in the open air, gradually leaking their contents into the soil and groundwater, thereby causing severe pollution and forming a serious threat to human health, water supplies and to ecosystem functioning. These stocks require immediate containment and subsequent safe disposal.

12. Disposal must be carried out in a manner safe for human health and the environment. Appropriate disposal facilities are, however, not available in Africa.

United Nations Environment Programme

1. In accordance with United Nations General Assembly resolution 2997 (XXVII) of 15 December 1972, the United Nations Environment Programme (UNEP) was established "as a focal point for environmental actions and coordination within the United Nations system".

2. Among the areas developed as a matter of priority, the UNEP Governing Council has designated "oceans". In order to deal with the complexity of the environmental problems of the oceans in an integrated way, the Governing Council adopted a regional approach as exemplified by its Regional Seas Programme. The Programme is under the overall coordination of the Oceans and Coastal Areas Programme Activity Centre of UNEP.

3. Regional plans of action which are the substantive part of any regional programme, are designed to link assessment of the quality of marine environment and the causes of its deterioration with response actions for the management and development of the marine and coastal environment. Regional plans of action promote the parallel development of regional legal agreements.

4. Two regional areas are of relevance to the resolution in question, namely the west and central African region and the south-west Atlantic.

The west and central African region

5. Two legal agreements have been adopted for the protection and development of the coastal and marine environment of the west and central African region. In considering the agreements, the comprehensive scope of environmental assessment and management activities carried out to support and make effective the States' legal commitments should be borne in mind.

6. After four years of preparatory activities, UNEP convened the Conference of Plenipotentiaries on Cooperation in the Protection and Development of Marine and Coastal Environment of the west and central African region at Abidjan, from 16 to 23 March 1981. The Conference adopted an action plan for the west and central African region and two legal agreements, namely, the Convention for Cooperation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region; and the Protocol concerning Cooperation in Combating Pollution in Cases of Emergency.

7. As at September 1991, the legal agreements had been signed by 12 coastal States of the region. The Government of Côte d'Ivoire has been designated as the depositary for the Convention and Protocol, and UNEP has been designated as the secretariat. The Convention entered into force in 1984. The geographic coverage of the Action Plan includes 21 participating States, namely, Angola, Benin, Cameroon, Cape Verde, Congo, Côte d'Ivoire, Equatorial Guinea, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mauritania, Namibia, Nigeria, Sao Tome and Principe, Senegal, Sierra Leone, Togo and Zaire.

8. National focal points for the Action Plan were identified by each participating Government. They played a major role in the coordination, at the national level, of the implementation of programme priorities agreed upon by meetings of the Steering Committee, and of the intergovernmental and the contracting parties.

9. The Steering Committee, since its establishment in 1981, provided UNEP and the meetings of the intergovernmental and contracting parties with the necessary policy guidance for determining programme priorities. A trust fund was established with the intention to cover the common costs of implementing the Action Plan and to replace gradually the support provided by the Environment Fund.

10. Five regional projects dealing with contingency planning for marine pollution emergencies (WACAF/1), monitoring of pollution in the marine environment (WACAF/2), coastal erosion control (WACAF/3, WACAF/6) and development of national environmental legislation and its harmonization with the Abidjan Convention (WACAF/5) were initiated at the request of the Governments of the region. They are being implemented in cooperation with United Nations bodies and involved national institutions and experts from the region.

11. As a result of ongoing activities, the following has been achieved:

(a) A review has been conducted of the legal aspects of marine environmental protection in the Gulf of Guinea and adjacent areas;

(b) A directory of marine research centres in Africa has been published;

(c) Twenty-three research institutes or universities and laboratories from 10 countries were organized in a network of institutions for monitoring the quality of the marine environment. The first assessments of the state of marine and coastal waters in the west and central African region are available;

(d) Reports on the state of national legislation relevant to the protection of the marine environment have been prepared for Gabon and Ghana, with the assistance of the Food and Agriculture Organization of the United Nations (FAO) and the International Maritime Organization (IMO).

12. Technical assistance was provided to several Governments and national institutions in the region and a large number of the technical personnel were trained in subjects relevant to the Action Plan. This contributed considerably to the strengthening of national capabilities to respond to marine environmental problems of the region.

13. The support of FAO, IMO, the Intergovernmental Oceanographic Commission (IOC), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Atomic Energy Agency, the United Nations Industrial Development Organization and the United Nations Department of International Economic and Social Affairs, particularly in the preparatory phase leading to the adoption of the Action Plan, was generous, efficient and contributed significantly to the development and implementation of the Plan.

14. In the implementation of any regional programme, particularly one which involves developing countries, a major difficulty is the uneven level of technical capabilities of participating States and the frequent lack of infrastructure adequate for their effective participation in the programme. For this reason the need for training and technical assistance has been strongly emphasized in each of the main elements of the Action Plan.

15. Provision of training (in the form of both individual or group training) and technical support has been a major component of the various implemented or ongoing activities. Furthermore, UNEP has sponsored participation of a number of individual experts from the west and central African region in training programmes not organized in the framework of, but relevant to, the Action Plan, such as the Workshop on the Conservation of Marine Mammals in West and Central Africa, held from 21 to 25 April 1992.

16. Technical assistance has also been provided to the States of the region and their major institutions in the form of experts and in the supply of equipment and material needs for carrying out various projects and tasks.

17. More recently, discussions are ongoing for the possible establishment of a regional coordinating unit for the Action Plan, as in the case of other regional seas action plans.

The south-west Atlantic region

18. In view of the recognized need to address coastal zone resources and management needs and priorities in each country, discussions are being held with the Governments of Argentina, Brazil and Uruguay for the convening of a meeting of experts on the coastal and marine environment.

19. The meeting would be held jointly by UNEP and IOC/UNESCO, with participation of relevant international organizations and would serve as a basis to assess the status and identify priorities of each country concerning the marine environment.

United Nations Population Fund

1. While the United Nations Population Fund (UNFPA) has not provided special assistance specifically directed to the implementation of General Assembly resolution 47/74 of 14 December 1992, it has undertaken, or plans to undertake, for each of the three countries mentioned in the resolution, specific activities that will contribute to the strengthening of the zone of peace and cooperation of the South Atlantic. These activities are set out below.

Angola

2. UNFPA continues to implement what was expected to be a US$ 8.5 million programme for the period from 1991-1995. Unfortunately, the resource situation has not permitted delivery of the entire amount expected. The largest project supported, and which has increasingly become the focus of the assistance with the deterioration of the security situation, is in the field of maternal/child

health and family planning. Emphasis in that project is on rehabilitating and equipping health units and training of staff.

Liberia

3. The country programme was approved in 1987 for five years in the amount of US$ 3 million. At the outbreak of the civil war in 1990, programme expenditures totalled almost US$ 2 million. At this time, field dependent projects remain suspended due to the security situation. Desk-based activities such as the review and analysis of existing demographic data and related workshops for government staff on population policy implementation are receiving modest support.

4. UNFPA provided funding to support government activities in connection with World Population Day and is continuing support for a series of national activities in preparation for the International Conference on Population and Development to be held in 1994. Later in 1993, and as may be advised by the United Nations Special Coordinator for Liberia, based on the security situation, UNFPA intends to field a preliminary fact-finding mission to Monrovia with the objective of advising on the possibilities for resuming full operational activities.

South Africa

5. In line with the intent and purpose of the United Nations consensus resolution on South Africa, UNFPA is awaiting the conclusion of the process towards the attainment of democratic rule in South Africa and has not developed operational activities in the country. Of particular importance to population activities will be the position and declarations of the future political administration in South Africa.

6. In preparation for a programme of assistance, however, the Fund is keeping abreast of developments in the social sector, including population. In this regard, UNFPA has been having discussions on future collaboration with United Nations specialized agencies and international non-governmental organizations that are already organizing population and development activities in the southern African subregion as a whole. UNFPA has been participating, in an observer capacity, in awareness creation activities that focus on population and health issues in South Africa, as have been organized by other United Nations agencies and international non-governmental organizations.

United Nations University

The United Nations University (UNU) warmly welcomes the declaration of the South Atlantic as a zone of peace and will seek, through its research and programmatic training and dissemination activities, to assist and contribute appropriately to the joint efforts of the States of the zone to implement the declaration.

Economic Commission for Africa

1. In June 1990, the Economic Commission for Africa (ECA) participated in the United Nations Development Programme/Office for Ocean Affairs and the Law of the Sea (UNDP/DOALOS)-sponsored seminar at Brazzaville, on cooperation among the member States of the South Atlantic zone of peace and cooperation in the field of marine affairs. ECA presented a technical paper at this seminar on scope and areas to be accorded priority for such cooperation.

2. In April 1991, ECA presented a technical paper on specific modalities of cooperation in the field of marine affairs at the follow-up meeting at Montevideo of the States of the South Atlantic zone of peace and cooperation, organized by UNDP/DOALOS and hosted by the Government of Uruguay. These meetings were attended by representatives of member States of the South Atlantic from Africa and South America.

3. At both meetings, there were requests from member States for additional relevant ECA publications on the subject for other subregions in Africa, and these publications were subsequently made available to the requesting agencies. It was also made clear to the member States that ECA would, whenever requested to do so and within the constraints of its resources, make all efforts to assist the African member States in the implementation of the declaration of the South Atlantic of a zone of peace and cooperation, in particular, and in the exploration and exploitation of marine resources, in general.

Economic Commission for Latin America and the Caribbean

1. The Economic Commission for Latin America and the Caribbean (ECLAC) was actively involved during 1990 and 1991 in the First and Second Meetings of Experts on the Law of the Sea of the States of the Zone of Peace and Cooperation of the South Atlantic, held respectively at Brazzaville and Montevideo.

2. ECLAC submitted a contribution to the proposals for cooperation in the Law of the Sea and marine affairs among the States of the zone, analysing some relevant policy options for Latin America and Caribbean countries members of it.

3. Among some recommended courses of action in that document, were the following:

(a) To start informal consultations, through the technical support of FAO, on the impact of high-seas fisheries in straddling and highly migratory stocks of economic importance to coastal States of the zone, and to devise mechanisms for establishing negotiations with those States whose nationals exploit some living resources according to article 118 of the United Nations Convention on the Law of the Sea;

(b) To agree on preliminary steps to support regional commissions in the fulfilment of mandates contained in General Assembly resolution 44/226 of 22 December 1989 on traffic in and disposal, control and transboundary movements of toxic and dangerous products and wastes, taking into account the Basel Convention on the Control of the Transboundary Movements of Hazardous Wastes and

their Disposal, 8/ the Bamako Convention on the Ban of Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa 9/ and any other relevant instrument on the waste trade within the zone.

4. Consequently, the work of the Marine Resources Unit, which has been involved in the subject, was oriented towards the accomplishment of the above goals as far as countries of the region are concerned, with a view to facilitating future interregional work, should States members of the zone deem it pertinent.

5. Between 15 and 19 November 1993, ECLAC, through the generous contribution of the Swiss Government, and with the collaboration of the secretariat of the said Basel Convention, is convening a regional meeting on environmentally sound management of hazardous wastes in Latin America and the Caribbean and implementation of the Basel Convention, which includes an agenda item devoted to analysing possible ways of interacting with other regional commissions with a view to maintaining efficient and coordinated monitoring and assessment of the illegal traffic in toxic and dangerous products and wastes. ECLAC believes that the results of this meeting will assist States members of the zone in devising ways of cooperation in an area of great concern for them, as expressly recognized in the Final Document of the first meeting of States of the Zone of Peace and Cooperation of the South Atlantic, issued at Rio de Janeiro on 29 July 1988 (A/43/512).

6. At the end of 1993, ECLAC is also organizing an expert group meeting out of its regular budget in order technically to analyse the text of negotiation submitted by the Chairman of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, so as to support countries of the region in the future negotiating sessions of this Conference. High-seas fisheries is another key issue for States members of the zone.

Food and Agriculture Organization of the United Nations

1. The Food and Agriculture Organization of the United Nations (FAO) intends to provide technical assistance to the Ministerial Conference on Fisheries Cooperation among African States bordering the Atlantic Ocean, to be held in Cape Verde in 1994. One of the recent major events was the Regional Workshop on Fisheries Monitoring, Control and Surveillance for African States in the Region, held at Accra from 2 to 5 November 1992. The Workshop was financed by the FAO/Norway Fisheries Management and Law Advisory Programme (FIMLAP), in close collaboration with regular programme activities.

2. Also under the FIMLAP programme, more detailed advice was provided to Angola and Namibia, while FAO and the Norwegian Agency for International Development (NORAD) continue to collaborate through a project covering the survey and identification of world marine fish resources, particularly in Angolan and Namibian waters and other African coastal States, and using the research vessel Dr. Fridtjof Nansen in West Africa.

3. At the national level, the main contribution of FAO to the promotion of efforts to implement the spirit of the resolution is assistance in the planning and management of fisheries which is a key element for the proper management of

fisheries resources in the areas formerly covered by the International Commission for the South-east Atlantic Fisheries (ICSEAF). Under a national project on "Institutional Support in Fisheries Management, Policy and Planning", the following assistance has been provided to Namibia: collection and analysis of biological and economic data for fisheries; assessment of the resource rent available and government revenue from the sector; formulation of a management strategy and overall development plan for the sector; and provision of advice on negotiation for fishing agreements, joint ventures, investment, development projects and institutional set-up. Furthermore, FAO is currently undertaking the preparation of a code of conduct for responsible fisheries and is providing technical advice to the member countries and to the United Nations Secretariat for the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks. These activities are relevant to the implementation of General Assembly resolution 47/74 of 14 December 1992. Finally, planning is at an advanced stage for the implementation of a regional fisheries law advisory programme for West Africa, with funding from the European Economic Community.

United Nations Educational, Scientific and Cultural Organization

1. The United Nations Educational, Scientific and Cultural Organization (UNESCO) has taken due note of United Nations General Assembly resolution 47/74 of 14 December 1992 dealing with the "zone of peace and cooperation of the South Atlantic" and in particular paragraph 11 requesting the relevant organizations, organs and bodies of the United Nations system to render all appropriate assistance which States of the zone may seek in their joint efforts to implement the declaration of the zone of peace and cooperation of the South Atlantic.

2. In implementing its programmes in the fields of education, science, including social sciences, culture and communication, UNESCO will continue to pay particular attention to promoting cooperation in these domains among all States in the region situated between Africa and South America.

3. UNESCO has also noted that General Assembly resolution 47/74 stresses the importance for the zone of peace and cooperation of the South Atlantic of the results of the United Nations Conference on Environment and Development. In this respect, it is recalled that UNESCO scientific and educational programmes have been reoriented in line with the results of the Conference, particularly Agenda 21, 3/ the Convention on Biological Diversity 5/ and the Framework Convention on Climate Change. 4/ UNESCO will make all efforts to assist the countries of the South Atlantic region in the implementation of the results of the United Nations Conference on Environment and Development in its areas of competence.

4. The overall goals of the actions of UNESCO are to contribute to peace and cooperation among the countries of the region and to help them move towards sustainable development, which is feasible only through the preservation of the region's environment and natural resources, in particular in marine coastal areas.

5. The Intergovernmental Oceanographic Commission (IOC) is endeavouring to establish regional cooperation in the field of marine studies, systematic

observations, information exchange and human resources development among the countries of the region. Several regional programmes, such as the UNESCO Regional Office for Science and Technology for Latin America and the Caribbean programme, are under way.

6. One example of action by UNESCO in the field of environment and development in the region is the newly launched project entitled "South-South Cooperation on Environmentally Sound Socio-Economic Development in the Humid Tropics", which focuses on continuing scientific cooperation between African and South American countries in the field of action-oriented environmental research and training.

World Health Organization

1. World Health Organization (WHO) policy is reflected in the following resolutions adopted by the World Health Assembly in 1993: 10/

(a) WHA 46.20 - WHO global strategy for health and environment, inter alia, calls upon member States, in response to the United Nations Conference on Environment and Development, to give high priority, in line with paragraph 38.8 of Agenda 21, 3/ to matters relating to health and the environment in the development of plans on sustainable development at the country level and to utilize the WHO global strategy as the framework for the environmental health aspects of these plans;

(b) WHA 46.39 - Health and medical services in times of armed conflict condemns all acts such as alleged systematic breaches of the Principles of Medical Ethics, and, inter alia, calls on all parties to armed conflicts to adhere fully to and implement the rules of international humanitarian law protecting wounded, sick and shipwrecked persons, as well as medical, nursing and other health personnel, and to respect provisions that regulate the use of Red Cross and Red Crescent emblems. The resolution also strongly urges parties to armed conflicts to refrain from all acts that prevent or obstruct the provision or delivery of medical assistance and services;

(c) WHA 46.40 - Health and environmental effects of nuclear weapons notes the concern of the world health community over the continued threat to health and the environment from nuclear weapons. The World Health Assembly decided, in accordance with Article 96 (2) of the Charter of the United Nations, Article 76 of the Constitution of WHO and Article X of the Agreement between the United Nations and WHO to request the International Court of Justice to give an advisory opinion on the following question: In view of the health and environmental effects, would the use of nuclear weapons by a State in war or other armed conflict be a breach of its obligations under international law including the WHO constitution?

(d) WHA 46.29 - Collaboration within the United Nations system: health assistance to specific countries urges the Director-General to continue to give high priority to health assistance to, inter alia, the liberation struggle in southern Africa, the front-line States and the reconstruction and development of the health sector in Namibia; and to coordinate these and other WHO efforts in emergency preparedness and humanitarian assistance with the humanitarian affairs

programmes of the United Nations system, including mobilization of extrabudgetary resources;

(e) WHA 46.30 - Intensified cooperation with countries in greatest need, in particular in Africa expresses awareness that adverse economic factors and armed conflicts have a very bad effect on health status, and appeals to all member States, bilateral and multilateral development agencies, other organizations of the United Nations system and non-governmental organizations to continue and intensify their support for developing countries, particularly in Africa, in the implementation of their health-for-all strategies. The Director-General is requested to focus on the health priorities of African countries and to mobilize the necessary resources to support their efforts to attain health for all.

2. WHO believes that the above five resolutions adopted in 1993 are pertinent to the implementation of General Assembly resolution 47/74.

Environmental health

3. Although the WHO Divisions of Environmental Health and Promotion of Chemical Safety do not have a programme activity specifically focused on the South Atlantic, they are particularly interested in the zone for the following reasons:

(a) Peace and cooperation in the South Atlantic are essential for the implementation of international conventions on the protection of the marine environment. They provide an important condition for the effective control of marine pollution and for environmental protection of adjoining areas of Antarctica;

(b) The South Atlantic, including some of the islands, is particularly suited to the monitoring of the effects of increased UV-B exposure on health, as related to stratospheric ozone depletion.

Emergency and humanitarian action in specific countries

(a) Liberia

4. Between 1992 and early 1993 (thanks to the donation made by the United Kingdom to the United Nations consolidated appeal of 1992), WHO was able to supply to Liberia emergency health kits and assist in the setting up of a national blood bank. In August 1993, under the peace agreement, WHO joined the process of planning United Nations consolidated humanitarian assistance to the population with a focus on: (a) health assistance to demobilization; (b) control of communicable diseases, including the acquired immune deficiency syndrome (AIDS); (c) establishing a consultation system for war victims; and (d) rehabilitation of the health system, including health facilities and a surveillance system and the provision of essential drugs. The United Nations appeal was expected to be launched in mid-September 1993.

(b) Angola

5. Angola has been devastated by a drought, which was exacerbated by civil war. United Nations humanitarian assistance has been made possible under the Drought Emergencies in Southern Africa appeal. An "emergency" officer has been attached to the WHO country office to collaborate with the United Nations Volunteer service and WHO, in cooperation with UNICEF, has assisted in particular nutritional surveillance action. In June 1993, the United Nations and its specialized agencies issued a United Nations consolidated appeal for relief and rehabilitation under the peace accord. The conflict has not yet ceased, however, and donations to this appeal have been very limited. Nevertheless, WHO and UNICEF have planned to work closely towards the restoration of the health services and in the control of epidemics.

(c) Namibia

6. Namibia is also one of the southern African countries stricken by drought. WHO has used its own funds to supply emergency health kits to alleviate the deteriorated health situation in that country.

(d) South Africa

7. WHO has initiated studies on the health and psycho-social implications of apartheid. By analysing and documenting the destructive effects of apartheid policies on the health conditions in South Africa, WHO has contributed to a heightened awareness in the international community of the plight of the majority of the population in the country. Moreover, the reports and publications have encouraged health workers, inside and outside South Africa, who, in the face of tremendous odds, are struggling for change and are doing their utmost to deliver health care to black communities.

8. WHO has also extended technical assistance to national liberation movements by training health workers in the assessment of needs and in the organization of care for the victims of apartheid and racism forced to seek refuge elsewhere. This forward-looking policy is bearing fruit now that a political change is about to take place in South Africa. The step-by-step preparation of health manpower to assume its functions and responsibilities in a future South Africa is one of the far-reaching contributions by WHO.

9. More than a decade ago, WHO organized an international conference at Brazzaville, from 16 to 20 November 1981, with the main theme of the discussion centred on the choices between health and apartheid, the analysis of the health system in South Africa, and the interrelationships between apartheid and maternal and child health, workers' health and mental health. The conference assembled eminent persons who contributed to a strategy for health for all by the year 2000 in the African region, including action against apartheid and its harmful effects on health development.

10. A plan of action based on the principles of democratic government should now be developed. This plan should include coordination and management of health programmes based on the cooperation already established between WHO and national liberation movements; creating sustainable health systems

infrastructure; institution building; health science and technology promotion; medical care; and disease prevention and control.

International Maritime Organization

The International Maritime Organization (IMO), within its area of competence and in conjunction with the United Nations Environment Programme, would be prepared and willing to render assistance to the coastal States bordering the south west Atlantic zone if they endeavoured to develop a regional agreement for cooperation in dealing with major pollution incidents. In accordance with the usual practice, General Assembly resolution 47/74 of 14 December 1992 will be reported to the IMO Council for information and appropriate action. Any decision taken by the Council on the matter will be communicated to the United Nations in due course.

Notes

1/ United Nations, Treaty Series, vol. 634, No. 9068.

2/ See Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992 (A/CONF.151/26/Rev.1 (vol. I and vol.I/Corr.1, vol. II, vol. III and vol. III/Corr.1)) (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: Resolutions adopted by the Conference, resolution 1, annex I.

3/ Ibid., annex II.

4/ A/AC.237/18 (Part II)/Add.1 and Corr.1, annex I.

5/ See United Nations Environment Programme, Convention on Biological Diversity (Environmental Law and Institutions Programme Activity Centre), June 1992.

6/ A/46/596-S/23164.

7/ A/48/266-S/26086.

8/ UNEP/IG.80/3.

9/ International Legal Materials, vol. 30 (1991), p. 773.

10/ See World Health Organization, Forty-sixth World Health Assembly, Geneva, 3-14 May 1993, Resolutions and Decisions, Annexes (WHA46/1993/REC/1).

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THE SITUATION OF DEMOCRACY AND HUMAN RIGHTS IN HAITI

Note by the Secretary-General

The attached document contains an interim report by the International Civilian Mission established in Haiti by the United Nations and the Organization of American States on the situation of democracy and human rights in Haiti. The Special Envoy appointed by myself and the Secretary-General of the Organization of American States, Mr. Dante Caputo, has also submitted this report to the Secretary-General of the Organization of American States, who is making it available to the member States of that organization. It is circulated herewith, for the information of the members of the General Assembly, in accordance with paragraph 9 of Assembly resolution 47/20 B of 20 April 1993.

ANNEX

Report of the International Civilian Mission to Haiti

I. INTRODUCTION

1. The present report is submitted pursuant to paragraph 9 of General Assembly resolution 47/20 B of 20 April 1993, on the situation of democracy and human rights in Haiti, which requests the Secretary-General to make regular reports to the Assembly on the work of the International Civilian Mission to Haiti.

2. The interim report of the Mission covered the period from 9 February to 31 May 1993 and was circulated to members of the General Assembly on 3 June (A/47/960 and Corr.1). The present report contains a full analysis of the work of the Mission and the human rights situation in Haiti for the period from 1 June to 31 August 1993 and also refers to important events that occurred in September.

II. THE DEVELOPMENT OF THE MISSION

3. The Mission initially opened offices in the chief towns of each of Haiti's nine departments (départements). All these offices have been in operation since March. By mid-September, additional offices had been opened in four departments, bringing the deployment of the Mission to 13 offices:

Department	Office(s)
Ouest (West)	Port-au-Prince, centre Port-au-Prince, Carrefour
Artibonite	Gonaïves Saint-Marc
Centre	Hinche Mirebalais
Sud-Est (South-East)	Jacmel
Grand'Anse	Jérémie
Sud (South)	Les Cayes
Nord-Est (North-East)	Fort-Liberté
Nord (North)	Cap-Haïtien
Nord-Ouest (North-West)	Port-de-Paix Môle Saint-Nicolas

4. The Mission's headquarters in Port-au-Prince is organized as follows:

Office of the Executive Director (including Security)
- Media Department
- Operations Department (including Communications, Medical)
- Administration Department

Human Rights Division
- Office of the Director for Human Rights (including Training, NGO Liaison)
- Investigation and Research Department
- Legal Department
- Human Rights Education Department

5. As at 15 September, the Mission had 204 human rights observers and other substantive professional personnel (97 OAS, 107 United Nations) and 28 international administrative staff (3 OAS, 25 United Nations), deployed as follows:

Executive Director, Director for Human Rights	2
Administration	24
Operations/Security	15
Human Rights and Media Departments	28
Observers deployed in regional teams	137
Observers in training	21
Seconded to Office of the Special Envoy	5

6. Although the Mission has yet to achieve its planned deployment of 280 human rights observers, it has recruited through the Organization of American States (OAS) and the United Nations and deployed the largest number of human rights observers of any field operation to date. It has been necessary to identify recruits fluent in French and/or Creole, as many as possible with field experience and in all cases willing to live in difficult conditions, and as many as possible with human rights experience and/or legal training. More than 45 nationalities are represented within the Mission. Newly arrived observers are given a three-week induction training, which includes Creole language classes; introduction to Haitian history and culture; international human rights principles and the Haitian legal system; the mandate and policy of the Mission; and techniques of human rights observation and investigation.

7. The unique character of the Mission as a joint field operation between a regional organization and the United Nations has since early May been reflected in a fully integrated structure. The Executive Director and the Deputy Executive Director/Director for Human Rights both have a dual mandate, having been designated by both OAS and the United Nations; the observers in every regional team and the staff of each headquarters department include persons sent by both OAS and the United Nations; and regional coordinators and heads of department are drawn from both organizations. While each organization has its own administrative, personnel and financial policies and procedures, which are not easily harmonized, the success of the Mission in operating substantively as an integrated operation is an important and encouraging precedent.

8. The Mission has operated for much of the period under exceptionally difficult conditions. Its outreach is critically dependent upon the mobility of its observers. This has been constrained by the shortage of vehicles available to the Mission and from late June until early September by the shortage of petrol resulting from the oil embargo under Security Council resolution 841 (1993). During the oil embargo, as part of a campaign of hostility to the presence of the Mission conducted in particular through State television and radio, there were public appeals for Mission vehicles to be denied fuel. Although great efforts were made by observers and drivers to maintain as much of the Mission's work as possible, the inability to obtain fuel for periods of many days in some locations limited the visits of observers to many areas and some other activities. Telephone communications in Haiti are poor and the Mission's access to them has been grossly inadequate: in this and in other respects, the Mission has not received the full assistance of the Haitian authorities who are required under its terms of reference to "extend, to the extent possible, the facilities needed by the Mission for the performance of its functions". The Mission's observers have met with abuse, hostility and threats from some members of the Forces Armées d'Haiti (FAD'H) and many of its armed civilian auxiliaries. The Mission has had serious concerns for the security of its international and local personnel, which have intensified at periods of particular tension, sometimes requiring restricting their movements, especially for recreational purposes. The courage and commitment of the Mission's observers and its local personnel, especially its drivers, in maintaining an active presence even in the most difficult of such circumstances have been exemplary.

III. THE APPROACH OF THE MISSION

9. The Mission was requested by President Jean-Bertrand Aristide in his letter dated 8 January 1993 to the Secretary-General (A/47/908, annex I). This set as a goal "to reassure all the parties concerned that the current political crisis will be settled only by eliminating all forms of violence and violations of the rights of the person". A multinational presence in Haiti was requested to supervise the observance by all sectors of Haitian society of the following commitments:

(a) Respect for the life and integrity of all Haitians;

(b) Respect for the Haitian Constitution, the law and the procedures established by and the principles set forth in the International Covenant on Civil and Political Rights and the American Convention on Human Rights, to which Haiti is a party;

(c) Respect for the constitutional rights of all Haitian citizens and for the institutions of the Republic.

According to its terms of reference, the Mission's fundamental task was defined as:

(a) To obtain information on the human rights situation in Haiti and to make any appropriate recommendations to promote and protect human rights;

(b) To pay special attention to respect for the right to life, personal integrity and security, freedom of expression and freedom of association.

10. In a situation where violations of the rights to life, personal integrity and security, freedom of expression and association have been widespread, the Mission's information-gathering has been wholly focused on these violations. While the number of people coming to the Mission's offices to offer such information has increased as its work has become better understood, the Mission has taken an active approach to information-gathering. It has sought to establish contact with local organizations and has sent its teams of observers to different localities as frequently as its limitations of personnel, transportation and (during the oil embargo) fuel have permitted. It has made, or attempted to make, regular visits to prisons and other places of detention. It has made use of radio and television spots, as well as interviews with its leadership, to make known its presence and its mandate, and has distributed its terms of reference widely in Creole as well as French. It has sought and participated in many meetings with local associations, churches and officials in order to explain its work.

11. The Mission has also actively interpreted its mandate to make known to the Haitian authorities its concerns about human rights violations, to submit recommendations and to inquire as to the follow-up to its recommendations with the competent authorities. In a context where the need to bring an end to individual violations is urgent and written communications are likely to be disregarded, the Mission's observers have expressed its concerns promptly in person before the responsible authorities. This has usually meant representations to the local commanders of the FAD'H, in view of the fact that the perpetrators of human rights violations are usually members of the FAD'H, their attachés (civilian auxiliaries) or rural police chiefs (chefs de section) and their assistants, who also derive their authority from the FAD'H. Such intervention, especially with respect to people arbitrarily detained, has often been effective, although frequently resented by the FAD'H. The Mission has also, where appropriate, informed the judicial authorities about cases of concern. Selective cases have been put by the Mission's headquarters to the High Command of the FAD'H, in person and in written communications.

12. The Mission has as far as possible been present whenever it is feared that human rights violations may occur, in order to exercise a dissuasive presence. This has included demonstrations, meetings and other attempts to exercise the rights to freedom of expression and association. Observers are obviously under instructions not to intervene physically to seek to prevent apparent human rights violations, since this would be beyond both the mandate and the possibilities of a civilian mission, although the credibility of the Mission has suffered when beatings, arbitrary arrests and in one case a killing have been committed in its presence. The Mission has received many requests for protection from persons whose personal security is threatened, but is in most cases unable to do more than remain in periodic contact with the individuals concerned, although it has on occasion escorted those at risk in situations of particular danger. The Mission has made arrangements for many victims of human rights violations to have access to legal representation and/or medical treatment.

13. As recommended in the report submitted to the Secretary-General by the team of human rights experts on the International Civilian Mission to monitor respect for human rights in Haiti (A/47/908, annex III), the Mission has promptly made public its response to particular events and cases of violations. This has served to publicize its role and gain public confidence, as well as to ensure that the authorities are aware of the concern of the international community regarding continuing violations. Between 1 June and 15 September, the Mission issued 15 press communiqués on aspects of the human rights situation.

14. The objectives of the Mission require a close working relationship with Haitian organizations working in the field of human rights. The Mission has from the outset established channels to communicate with and consult Haitian human rights organizations on a regular basis. During the past few years, and especially since the coup d'état of September 1991, which overthrew the democratically elected Government, non-governmental human rights organizations have played an essential role in promoting and protecting human rights among the most vulnerable sectors of society, in difficult and dangerous circumstances. A number of human rights activists have had to go into external exile or internal hiding, and some have been killed. Haitian human rights organizations have continued to function in difficult and dangerous circumstances during the period of the present report. Because of their experience, they have been an invaluable source of information and advice to the Mission. The Mission hopes that its presence will have been able to contribute to the indispensable work these organizations are doing and must continue to do beyond its own presence in Haiti.

15. The Mission is mandated "to institute an informational and educational programme with a view to promoting respect for human rights and explaining the mandate with which it has been entrusted". Its initial use of radio and television spots focused on the Mission itself and its mandate. On 20 September, the Mission launched a civic education campaign under the slogan "Dwa ak devwa pou tout Ayisyen ak yon leta responsab" (Rights and obligations for every Haitian in a law-abiding State). The principal themes of this campaign are justice, fundamental liberties and democracy. The campaign is making use of the written press, radio and television, as well as posters and teaching material, and is being promoted actively through each of the Mission's offices. This eight-week campaign is the first phase of a longer-term programme of human rights education, planned in close consultation with Haitian organizations, to reinforce the educational efforts of all groups concerned to promote human rights.

16. The Mission has constantly had before it the goal of reassuring all parties that Haiti's political crisis will be settled only by eliminating all forms of violence. There have throughout its presence been fears that if progress did not continue to be made towards a peaceful political settlement, more generalized violence would break out. Despite these fears and periods of acute tension, the violence practised in Haiti during the presence of the Mission has been unilateral: violence practised by the security forces of the State and by those operating under their direction or with their complicity against unarmed civilians. Violence exercised against agents of the State by the civilian population has been almost non-existent. The actual violations of human rights with which the Mission has been concerned have thus conformed to the classic definition of human rights violations under international law, which are the

responsibility of the State. This does not of course mean that fears of more generalized violence can be disregarded. The fact that serious human rights violations have continued to be committed, overwhelmingly without any sanctions against the perpetrators and without the prospect of those responsible being brought to justice, has increased the risk of such violence. The Mission has publicly appealed for the avoidance of any acts of violence and personal vengeance, and hopes through its human rights education campaign to underline the importance of establishing the principles and institutions of a law-abiding State.

IV. THE HUMAN RIGHTS SITUATION

17. Throughout the period of the deployment of the Mission, the human rights situation has been closely linked to the evolution of the political situation. The period covered by the present report has seen a series of major political developments, affecting a climate that has fluctuated between important progress and periods of apparent lack of progress in the transition to constitutional order. The resignation of the de facto Prime Minister, Mr. Marc Bazin, and the imposition of an oil embargo and other sanctions by the Security Council in June, the signing of the Governors Island Agreement and the New York Pact in July, the election of new Presidents and officers of the two houses of the Parliament and the nomination and confirmation of Prime Minister Robert Malval and his Government in August have afforded a context of heightened expectations, tensions and fears. There has been a close correlation between pivotal moments in the political situation and the increase in tension and violence in the country.

18. Despite the commitments made at the time of the Governors Island Agreement and in the New York Pact regarding respect for human rights and fundamental freedoms, there has been a serious deterioration in the human rights situation in the capital, Port-au-Prince, and a continuation in other parts of the country of human rights violations of the nature described in the Mission's interim report (A/47/960 and Corr.1) covering the period from 9 February to 31 May. The re-recognition and acceptance of the return to Haiti of President Aristide by the Parliament and the Commander-in-Chief of the FAD'H has not been reflected in any greater respect by the FAD'H and their civilian auxiliaries for the freedom of expression of his supporters. On the contrary, the prospect of the transition, although warmly welcomed by the great majority of those Haitians with whom the Mission is in daily contact, has aroused apprehension and opposition in some sectors, including the FAD'H and those linked to them. When supporters of the return of the President have sought to express their commitment publicly, they have been met with continued or intensified repression. In Port-au-Prince, a dramatic increase in killings and suspect deaths and in disappearances has been carried out with impunity. Although these crimes are politically motivated, not all victims are political activists. They have included ordinary citizens and appear to be intended to create a climate of fear and intimidation, especially in the poor parts of the city most closely identified with support for the President. Arbitrary arrests, beatings and other torture and cruel, inhuman or degrading treatment, and threats to personal security have persisted throughout the country, with those identified as supporters of President Aristide - often termed "lavalassiens", after the

Lavalas movement founded by President Aristide before the 1990 elections - being the main targets of such violations.

19. While many such violations were directly attributed to members of the FAD'H, many others were attributed to those linked to them. Civilian auxiliaries of the FAD'H work with them in their policing function both in Port-au-Prince and in the provinces. Some are issued with a card and they may be armed with anything from sticks to heavy weapons. In rural areas, the responsibility for law and order is delegated to a rural police chief (chef de section), appointed by the FAD'H. Rural police chiefs may by law be assisted by two deputies, (adjoints), but in practice often have attached to them large numbers of assistants who have purchased their position and engage in extortion.

A. Violations of the right to life

20. In its interim report, the Mission expressed its particular concern about the increase in May, compared with the previous two months, in killings and other acts of violence carried out with impunity, especially in Port-au-Prince. The number of killings or suspect deaths reported to the Mission and investigated as probable violations of the right to life in May was nine. In June the equivalent number was five. In July the number jumped to 34, 28 of them occurring in Port-au-Prince, and it remained at the same level in August, when 33 were recorded, 30 of them occurring in the capital. This phenomenon has shown a further sharp increase in September, with over 60 killings or suspect deaths in Port-au-Prince reported to the Mission during the month. Over half of these occurred in the second week of September, including the weekend of the assassination of Antoine Izméry, and the number fell again in the second half of the month.

21. The investigation of such reports in Haiti presents great difficulties. In most cases there is no active judicial investigation after the death is recorded by the local justice of the peace, and no efforts by the police to undertake a criminal investigation. Witnesses are frightened to come forward, and those interviewed by the Mission have often not been interviewed by the relevant authorities. The Mission has no access to any information coming from an official investigation, and in most cases it is clear that no such information exists. No autopsies are carried out, the body being buried as soon as the justice of the peace has recorded the death. The Mission interviews and assesses the credibility of witnesses as carefully as possible; the extent to which it can confirm the reports regarding the circumstances of a killing inevitably varies considerably.

22. In a minority of cases, eyewitnesses interviewed by the Mission stated that the victims were seen to be killed or taken away by men who identified themselves as police, who wore military or police uniforms, or whom they believed they recognized as known members of the FAD'H:

Andrel Fortune, Las Cahobas, Département du Centre

On 16 August, Andrel Fortune was shot dead after two uniformed men forcibly entered his home in Lascahobas, Département du Centre. According to

eyewitnesses, Andrel Fortune, a member of the Alliance des organizations populaires de Las Cahobas and of the peasant organization Mouvement des paysans de Papaye (MPP), was shot in the back by an army corporal while trying to escape his assailants. Shortly before his execution, the victim had apparently had a dispute with a sergeant. The justice of the peace who certified the death stated that the military had gone to arrest him because he had had a fight with a sergeant. According to the military authorities in Lascahobas, the corporal shot Andrel Fortune because the latter had tried to seize his weapon. On two previous occasions, on 25 and 28 June, the authorities had made attempts to arrest Andrel Fortune following a demonstration in support of President Aristide during the night of 24 to 25 June, in the course of which a bridge had been blocked and tyres burned.

Marc Baptiste, Miragoâne, Département de la Grand'Anse

In Chalon, Miragoâne, Département de la Grand'Anse, Marc Baptiste died of gunshot wounds after two armed civilians who, according to witnesses, identified themselves as policemen, burst into his house in the early hours of 11 July. Three others remained outside. When his brother, who lives nearby, ran towards the house to help the family, he was shot at by the men.

Jean-Marc Dessources, Port-au-Prince

At about 2 a.m. on 14 July, two men whom witnesses said were in military uniform burst into the house of Jean-Marc Dessources, a known supporter of President Aristide, in the neighbourhood of Canapé Vert in Port-au-Prince. The two men are alleged to have shouted at him "You are always talking about the return of Aristide, but you won't live to see it" and to have shot him in the back, ensuring his death with a further shot to the head.

Two unidentified bodies, Port-au-Prince

Two bodies bearing gunshot wounds were found near Port-au-Prince international airport, in the area known as Village Solidarité, on 27 July. Eyewitnesses to the killings said that they recognized among the perpetrators two policemen working for the Service d'investigation et de recherches Anti-gang, the criminal investigations unit of the Haitian police, who lived in the area and were allegedly responsible for other abuses.

Christiane Sarnon, Quartier Morin, Département du Nord

Christiane Sarnon, a 24-year-old woman, was shot dead outside her house in Quartier Morin, Département du Nord, at about 2 a.m. on 13 August after a group of six men dressed in military uniforms forced their way into the house she shares with relatives, demanding that they give them all the money they had. According to the testimony of surviving members of the family, two of the men carried caliber .38 revolvers and addressed each other as "sergeant" and "corporal". Hearing voices, Christiane Sarnon entered the living room of the house. One of the men then dragged her outside and shot her in the head and chest.

Unidentified body, Port-au-Prince

On 14 August, in Port-au-Prince, a uniformed policeman and an armed civilian shot and killed an unidentified man in the area between Delmas 2 and 4 in full view of several witnesses. The two killers shot the man from a Nissan Pathfinder pick-up truck, and returned to the scene of the crime several minutes later to finish the man off with two further shots.

Ronald Jean-François, Port-au-Prince

Also in Port-au-Prince, Ronald Jean-François, a member of the Fédération des associations réorganisées, was shot dead on 16 September by a police corporal after he was taken away from his home in Ti Ayiti, Cité Soleil, by three armed men in civilian clothes. According to eye-witnesses, attachés armed with Uzi machine guns were waiting for him outside the house. They started beating him while questioning him about others who took part in an activity involving sticking up photographs of President Aristide several days earlier. They then took him away to the area known as Soleil 17, where he was shot several times by a corporal belonging to the Wharf police station. Another corporal was said to have been present in the area and to have done nothing to prevent the killing.

23. In other cases, although the killing was not witnessed, the victims had been in official custody immediately before their bodies were discovered, or there were other indications of possible targeting by the FAD'H:

Jude Monville and two unidentified bodies, Saint-Marc, Département de l'Artibonite

A body the Mission believes to have been that of Jude Monville, an inmate from the prison of Saint-Marc, was found, together with two other bodies, in an inland area near Kyona Beach in the Département de l'Ouest on 10 July. The three victims had been blindfolded, their hands had been tied and the bodies had gunshot wounds. They were buried where they were found without identification or autopsies. Jude Monville had been seen in prison by observers of the Mission on 5 July and was due to be released on 10 July after serving a sentence for having been in possession of a stolen motorcycle. That day, he was taken out of the prison with another inmate, whom the Mission believes may have been one of the other two victims discovered on 10 July. Two of the victims had shaved heads, which is customary for prison inmates. The family of Jude Monville had no knowledge of his whereabouts since he was in Saint-Marc prison and had received information that he had been killed. The Mission presented evidence it had collected, strongly indicating the identity of one of the victims as Jude Monville, to the judicial authorities. No action - even to question the military authorities responsible for Saint-Marc prison - appears to have been taken. Three other unidentified bodies had been discovered in the same area on 1 and 3 July. All had suffered gunshot wounds and had been buried where they had been found without autopsies.

Délice Jackie, Port-au-Prince

On 13 July, the bullet-ridden body of Délice Jackie was found in Port-au-Prince on the Route Nationale No. 1, in the area known as Sources

Puantes. Délice Jackie was the cousin of Claudy Vilmé, with whom he shared a house. Claudy Vilmé, a photographer, had been attacked, beaten and taken away by armed men on 2 July when he was taking photographs of members of the FAD'H at a petrol station during the oil embargo. Délice Jackie was himself taken away by armed men on 10 July, shortly after Claudy Vilmé had stated publicly that during his detention he had been held at the old Fort-Dimanche, a detention centre used under the Duvalier régime and whose present use for detention purposes is denied by the FAD'H.

24. In a large number of cases, eyewitnesses attributed killings to armed men in civilian clothing, sometimes alleging that these could be identified as attachés, civilian auxiliaries of the FAD'H. In some of these cases, the known activities, affiliations or sympathies of the victim suggested that he or she had been targeted for political reasons, or the killings had a clear political context.

Antoine Izméry and Jean-Claude Maturin, Port-au-Prince

The clearest and most public case of political assassination was the killing of Antoine Izméry, a prominent supporter of President Aristide, on 11 September. A wealthy businessman, Mr. Izméry had been a major contributor to President Aristide's electoral campaign in 1990. In May 1992, his brother, Georges Izméry, had been shot dead near the shop they owned. In August 1993, Antoine Izméry founded the Komite mete men pou verite blayi (KOMEVEB) (Joint Committee for the Emergence of the Truth), which organized several public activities demonstrating support for the return of President Aristide. On 11 September, Mr. Izméry was attending a mass in the Church of Sacré-Coeur in Port-au-Prince, organized by KOMEVEB to commemorate the 1988 massacre at the Church of St. Jean Bosco (of which Father Aristide was then the parish priest). He was taken out of the church by armed men in civilian clothing carrying radios, while other armed men cleared the street next to the church, forcing those present, including the vehicle with Mission observers, to move away. Antoine Izméry was made to kneel and shot at point-blank range in the head. Moments later, the same armed men executed another man, Jean-Claude Maturin, a few metres away. The killings took place in the context of a strong police presence patrolling the streets around the church but the killers drove away from the area without hindrance. Eyewitnesses interviewed by the Mission have named known police attachés among the attackers, and the Mission has received information supporting reports that one of them may have been an officer from a Port-au-Prince police station.

Jean Eveau Edmond, Port-au-Prince

Among several other known supporters of President Aristide or leaders of community organizations also killed by armed civilians was Jean Eveau Edmond, a local representative of the Front national pour le changement et la démocratie (FNCD). He was shot dead on 1 July by armed men in plain clothes in his home, in full view of his family, in the working class area of Carrefour Feuilles in Port-au-Prince. According to witnesses, upon leaving the house his killers cried: "Victory! We have killed a Lavalas!".

Cléber Rivage, Edris Bayard and Lévius Brunis, Port-au-Prince

At least three killings with a clear political motivation, although the victims appear to have been chosen at random, occurred in Port-au-Prince on 8 September, at the time of the re-investiture of Evans Paul, the elected mayor who was forced to leave his post after the September 1991 coup. The killings of Cléber Rivage, Edris Bayard and Lévius Brunis took place when a crowd that had gathered outside the City Hall to cheer the mayor was violently dispersed by civilians armed with sticks, knives and firearms, without intervention by the police who were present. Many other people were seriously injured. The Mission understands that the preliminary report prepared by the commissaire du gouvernement (state prosecutor) responsible for investigating the killings identified some of the armed men responsible as serving members of the FAD'H. However, the commissaire subsequently resigned without submitting any report.

Brivenord Simon, Port-au-Prince

On 9 September, the day after the killings outside the City Hall, Brivenord Simon, a former army corporal who had gone into business and was a personal friend of Mayor Evans Paul, was killed by two armed civilians who forced him out of his shop and shot him three times outside the Hypolite market in Port-au-Prince.

Laurient Timou, Port-au-Prince

On 10 September, Laurient Timou, a known supporter of President Aristide who lived next to the Caserne de Lamentin 54, Carrefour, Port-au-Prince, was abducted with a colleague as they were leaving work. They were taken away by armed civilians in a pick-up truck. The next day their bodies were found, together with that of a third unidentified victim, on the Route Nationale in Cité Soleil. Witnesses told the Mission that they had seen the two, together with a third detainee, still alive, in the hands of armed civilians inside the City Hall a few hours after their abduction.

Jonel Jean, Petit-Goâve, Département de l'Ouest

In Tête-à-Boeuf, 1st communal section of Petit-Goâve in the Département de l'Ouest, Jonel Jean died as a result of the beatings he received when a group of more than 30 men, mainly attachés but led by the rural police chief, violently interrupted a meeting held by the Mouvman peyizan Tèt a Bèf (Tête-à-Boeuf Peasant Movement), on 12 August.

25. In the remaining category of cases, either no information could be obtained by the Mission regarding the attributes of the victim (or in some cases his or her identity) or the available information did not point to reasons why he might have been targeted; and either the body was discovered without witnesses to the killing or witnesses described the killers as armed civilians or zenglendos. The term "zenglendos" is used tc refer to armed criminal groups, usually operating at night and particularly in the slums and working-class districts of Port-au-Prince. Some of this violence may be assumed to be purely criminal, without political motivation. However, it is widely believed in Haiti that even the zenglendos operate under the cover, or with the express or tacit consent, of the police, and that their operation, while involving armed robberies, may also

be intended to intimidate the population of localities most opposed to the post-coup authorities and committed to the return of President Aristide. Other armed groups appear to be paramilitary in nature: the Mission has received some credible testimony directly linking the Port-au-Prince police, under Colonel Michel François, to the systematic operation of armed groups engaged in arbitrary killings. Certainly, throughout the period of the present report, armed groups appear to have been acting with impunity, by day as well as by night, with no concern to cover their faces or about discharging weapons in the vicinity of the police. There has been no evidence of efforts by the police to prevent the wave of killings in Port-au-Prince, or to investigate individual cases and bring those responsible to justice. So far as the Mission is aware, no one has been arrested and charged with involvement of any of these killings in Port-au-Prince or elsewhere in the country.

26. The Mission has attempted to obtain as much information as possible regarding the circumstances of all these deaths. In some cases, the Mission itself has been responsible for the first reporting of the killing to the police and to the judicial authorities responsible for recording and investigating the death. Where the Mission has information that may assist an investigation, it has placed it before the authorities. In its written and oral communications with the FAD'H the Mission has urged that investigations be carried out and that measures be taken to prevent the operation of armed groups. The gravity of the situation in Port-au-Prince has been acknowledged to the Mission by the High Command of the FAD'H. However, killings have continued to be committed with impunity. Repeated requests during the period of the report, made both directly to him and through the High Command, for the Mission to meet the Chief of Police of Port-au-Prince, directly responsible for the situation in the metropolitan area, have failed to secure a meeting.

B. Violations of the right to integrity and security of the person

1. Enforced disappearances

27. In its interim report, the Mission wrote that on the basis of the information it had received between 9 February and 31 May it was not in a position to state that enforced disappearances constituted a systematic practice in Haiti on a massive scale, although it remained mindful of several instances of disappearances that had taken place before it arrived and cited one case of a disappearance on 5 May. The victim, Joseph Winy Brutus, a leader of the Parti national démocratique progressiste d'Haïti (PNDPH), which forms part of the FNCD, remains disappeared and no additional information has been received from the military authorities, with whom the case was raised by the Mission in May.

28. During the period of the present report, evidence has emerged of a pattern of enforced disappearances in Port-au-Prince. In the three months from June to August, 30 cases of disappearances have been reported to the Mission. Twenty of the victims have reappeared and their testimony indicates a number of characteristics common to most cases.

29. The victims were taken away from their homes or their place of work by armed men, usually operating in a group of three or four, with a private

vehicle. Blindfolded and with their hands bound, they were taken to a secret place of detention. They were then interrogated about their activities, their involvement in community organizations, their participation in demonstrations and their relationship to or knowledge of other activists. Some of the victims said that their captors were well-organized, used codes when communicating in front of their victims and had the use of radios. They were well-informed about the activities and contacts of the victims and in some cases showed the victims their own photograph. In six cases the detainees were questioned about their relationship with Antoine Izméry before his assassination on 11 September. The interrogation was, in all cases, accompanied by beatings and other forms of torture. Those who reappeared had been held in detention for several days before being dumped in the streets of Port-au-Prince.

30. Among the 30 victims whose cases have been the object of inquiries by the Mission, 13 were members of political groups or popular organizations or people of known political opinions; four were close relatives of activists and two others were employees of the social organization Lafanmi Selavi and the Church of St. Jean Bosco, of which President Aristide was respectively founder and priest.

31. The following cases are characteristic of the pattern of enforced political disappearances that has emerged:

Valéry Pfiffer, Port-au-Prince

Valéry Pfiffer, a member of the Fédération nationale des étudiants haïtiens, a student organization, was kidnapped on the evening of 20 August in Carrefour Péan, Port-au-Prince, by four armed civilians who blindfolded him and took him away to an unknown destination. He was tied up, punched and beaten with rifle butts and interrogated about his political activities. He was eventually released on 23 August near the old Fort Dimanche. His wounds were examined by the Mission's doctors, who found them consistent with his testimony.

Ernst Charles, Port-au-Prince

Ernst Charles, a member of several grassroots organizations including the Mouvman peyizan Tèt a Bèf, the Ti Legliz ("Little Church", the liberation theology wing of the Catholic Church), and the Centrale générale des travailleurs (CGT), a trade union organization, was kidnapped on 21 August in Carrefour, Port-au-Prince, by seven armed civilians who took him away in a pick-up truck. Blindfolded and tied up, he was beaten while being interrogated about the organizations in which he is active. He was shown a photograph of himself taking part in a demonstration. Released two days later near the Cité Militaire, he was interviewed by Mission observers. His head had been shaved by his captors, and he bore marks of torture on the neck, back and buttocks; he spoke with difficulty and was spitting blood at the time of the interview.

Disappeared woman, Département du Sud

In the Département du Sud, a 58-year-old woman was taken away on 2 August by five or six armed men driving a Toyota pick-up truck. Before leaving they fired several shots in the air. According to information received by the Mission, the men were apparently looking for one of the woman's sons, a member

of a local peasant organization. The fate and whereabouts of the victim remain unknown.

2. Arbitrary arrests, illegal detention and torture

32. Several hundred cases of arbitrary arrests and illegal detention, followed in many cases by beating and other torture or ill-treatment, have been reported to the Mission from all parts of the country during the period covered by this report. Many of these human rights violations have been linked to the attempts of the victims to exercise their right to freedom of expression, most commonly by expressing their support for President Aristide. This support may have taken the form of distributing tracts or putting up posters, often bearing the photograph of the President, or of organizing or participating in demonstrations. In some cases the victims have merely expressed verbal support for the President and his return, or been suspected of such views, or have been accused of lack of respect towards members of the FAD'H. Those subjected to beating and other torture or ill-treatment also include many people accused of theft or other ordinary criminal offences. In some cases the beating has been so severe that the victims required hospitalization or other medical treatment, and two people died after having been tortured.

33. The principal forms of attacks upon the physical integrity of those arrested are the following:

(a) Beating. It has been routine for almost everyone arrested by members of the FAD'H, their auxiliaries, rural police chiefs and their deputies, to be beaten with sticks or rifle butts, or whipped with a cord or cable. Such beatings take place in the street on arrest, at military posts or barracks, in prison and at the houses of rural police chiefs. All parts of the body are liable to be attacked - head, back, buttocks, stomach and so on - without regard to the consequent injuries;

(b) The "djak". The victim is bound hand and foot and a stick is placed behind the bent knees and over the bent arms to pinion the whole body in a folded position, exposing in particular the back and buttocks. Sometimes the victim is suspended on the pole. The victim is beaten severely in this position. Severe injuries to the buttocks, with risk of infection and sometimes requiring skin grafting, and renal damage, are encountered as a result of beatings of this and other kinds.

(c) The "kalot marasa". This common form of torture, the "twin slap", consists of striking simultaneously on both ears of the victim with open palms. It may result in perforation of the eardrums, severe ear infections and deafness.

34. Cases of severe torture and ill-treatment have been reported to the Mission from all regions:

Améius Pierre, Département du Nord-Est

In the Département du Nord-Est, Améius Pierre, a peasant, was arrested on 26 June for "disrespect towards a corporal" and taken to the military post in

Capotille where he was severely beaten with a machette, particularly on the neck, and submitted to the djak and to the kalot marasa by members of the FAD'H whose identity is known to the Mission. He was also forced to roll over excrement. On 28 June, he was transferred to Ouanaminthe, where he was held for several days before being taken again to the military post in Capotille and finally to the prison in Fort-Liberté. In all, he was held illegally without charge for 25 days. Following the intervention of the Mission, he was released on 25 July by the commissaire du gouvernement of Fort-Liberté after the corporal who accused and arrested him failed to appear in court.

Nickson Desrosiers and Ernest Pierre, Port-au-Prince

On 27 June, towards the end of a mass celebrated at the church of Notre Dame du Perpétuel Secours in the Bel-Air district of Port-au-Prince, several people distributed leaflets and chanted slogans in support of President Aristide. Several members of the FAD'H and armed civilians present inside the church immediately seized and beat Nickson Desrosiers, coordinator of the Plateforme Fond Saint Clair, a grassroots organization, and Ernest Pierre, the treasurer of the same organization. Five other people were also arrested and beaten. The seven detainees were taken to the Service d'investigation et de recherches Anti-gang, where they were severely beaten during their interrogation.

Valérien Thiophène, Département de l'Artibonite

On 28 June, 70-year-old Valérien Thiophène was sitting outside his house in Gonaïves, Département de l'Artibonite, when he was arrested by a soldier, apparently because he is the father of a well-known leader of a local grassroots organization who was being sought by the military following a week of political unrest. He said he was taken under a tree nearby where seven other members of the FAD'H were standing and was beaten with sticks on his legs, ribs, stomach, back and head. He was then made to walk to the barracks, where he remained in detention for a day.

Pierre Joseph, Département de la Grand'Anse

In Jérémie, Département de la Grand'Anse, Pierre Joseph, an employee of the Ministry of Agriculture also identified as a supporter of President Aristide, was arrested on 7 July by members of the FAD'H who accused him of having been "impertinent and insolent" to them. He was tortured by means of the djak and, according to the victim, beaten 60 times with a stick by an officer at the Jérémie military barracks. When he appeared before the judge two days later, he was unable to stand and fell to the floor. The judge sent him to hospital, where he received medical treatment. When he reappeared again before the court on 20 July he accused the sub-district commander in Jérémie of having subjected him to torture.

Jean Dominique and Jean-Marie Exil, Port-au-Prince

In the night of 14 July, Jean Dominique and Jean-Marie Exil, two members of the Asamble popilè Sen-Maten (Popular Assembly of Saint Martin), were arrested by armed civilians while distributing tracts on the occasion of the fortieth birthday of President Aristide and taken to the Cafétéria police station in

Port-au-Prince. They were subjected to the kalot marasa and beaten with sticks. The next day they were taken before a justice of the peace, accused of "distributing tracts and disturbing public order". They were taken to the National Penitentiary and released on 20 July.

Jean Lavel Beaucejour, Département du Sud

In Les Cayes, Département du Sud, on 2 September, Jean Lavel Beaucejour, a member of the Organisation politique Lavalas (OPL), was arrested and severely beaten after posting photographs of President Aristide in the town. Taken to court and accused of "disturbing public order" and other offences on 3 September, he was hospitalized as a result of the beatings to which he had been subjected. The Mission arranged for a doctor to visit him in detention.

35. In two cases reported to the Mission during this period, people died apparently as a result of the torture to which they had been subjected:

Chantal Bien-Aimé, Port-au-Prince

In June the Mission learned of the death as a result of torture of Chantal Bien-Aimé, a 28-year-old mother of two and a member of the Asamble popilè Sen-Maten. According to her relatives' testimony, she had been arrested on 11 May in the Tête Boeuf market in Port-au-Prince and taken to the 4th police precinct, commonly known as Cafétéria. Accused of distributing leaflets in support of President Aristide, she was beaten on the head and stomach. Released on 12 May, she complained of pains in the abdomen and bruising in different parts of the body. She died on 16 May. Relatives who contacted the Mission were immediately subjected to threats. On 31 May, at about 1 a.m., four men entered Chantal Bien-Aimé's home and searched it while six heavily armed men kept watch outside. One of them was in khaki uniform. The occupants of the house reported that they were beaten and questioned about their contact with named Mission observers.

Bruno Devonville, Cap Haïtien, Département du Nord

On the night of 17/18 July, Bruno Devonville, a student, was arrested by a soldier and two attachés and held at the military post of the Cité Champin district in Cap-Haïtien, Département du Nord. According to the information received by the Mission, he was beaten for two hours and then thrown into the street, where he was found by passers-by. He died soon afterwards.

36. Several serious cases of violence against women have been reported to the Mission. They include women targeted because of their own political activities or affiliations, others targeted because of the political activities or affiliations of their husbands and women accused of ordinary crimes. One woman suffered a miscarriage after she had been beaten. Three women reported being raped and one an attempted rape. The cases of a woman reported to have been shot dead by men in military uniform, a woman reported to have disappeared and a woman who died apparently as a result of torture have already been mentioned.

13-year-old girl, Bayeux, Département du Nord

In the afternoon of 10 June, a 13-year-old girl was walking past the military post in Bayeux, Département du Nord, on her way home when a corporal forced her to enter the post, pushed her onto a bed and raped her. He then let her go. When the girl arrived home, she told her mother what had happened. Her mother immediately went to confront the corporal, who threatened to beat both the mother and the child. On 12 June, the corporal accused the mother of slander and tried to arrest her. The military authorities initially tried to dismiss the rape by saying that the girl was not a virgin. The case was referred to on Radio Soleil and the corporal was eventually given a punishment of 10 days' detention by his superiors.

Wife of a member of a grassroots organization, Cité Soleil, Port-au-Prince

On 24 July, at about 1 a.m., a group said to consist of about 20 armed men, including men in uniform, surrounded the house in Cité Soleil, Port-au-Prince, of a woman whose husband, an activist of a grassroots organization, was living in hiding away from home and was being sought by the police. Having forcibly entered the house, three of them in turn threatened her with their weapons and raped her.

16-year-old girl, Department du Nord-est

At Dérac, Département du Nord-Est, a 16-year-old girl reported to the Mission that she had been raped by a soldier from the barracks at Fort-Liberté. The Mission's observers noted that she had difficulty walking and a medical certificate from a doctor at the local hospital concluded that "the clinical diagnosis of rape is in no doubt". The victim's family presented this certificate and other evidence to the regional commander who promised to order an inquiry. The soldier was arrested for a few days and then released. He has since been seen, in uniform, circulating freely in the area.

Monique Brégard, Jérémie, Département de la Grand'Anse

In Jérémie, Département de la Grand'Anse, Monique Brégard, a 23-year-old woman, was arrested on 18 July at her home by three soldiers, as the brother of one of them had accused her of having stolen money from him. Although pregnant, she was subjected to severe beatings, particularly on her back, in an avant-poste as well as in the Jérémie barracks, and suffered a miscarriage after her transfer to prison. She was eventually hospitalized following the intervention of the Mission observers. After her treatment was publicly reported, the FAD'H alleged that Monique Brégard had had an abortion. Her friends and family have received several threats from soldiers, and she has gone into hiding out of fear for her safety.

Ailène Latortue, Département du Centre

On 12 August, Ailène Latortue, the 26-year-old mother of two children, was arrested without a warrant in Zone Laurent, in the district of Cerca-la-Source in the Département du Centre, by military and attachés looking for her cousin, Jocelyn Pierre, a supporter of President Aristide. Accused of belonging to a lavalassienne family, she was knocked to the ground while holding her baby

daughter and beaten with sticks. She was also subjected to the kalot marasa. She was held without any form of legal proceedings at the Thomassique barracks until a judge ordered her release on 19 August. Having returned home, she was again arrested that same day by a soldier and reported being forced to pay 80 Haitian dollars to buy her freedom. Mission observers who interviewed her after her release were able to see the marks of the beating, which she still had on her neck and the side of her body.

37. Whenever a person has been reported to have been arrested for political reasons or is reported to have been subjected to torture or ill-treatment, the Mission has made immediate inquiries of the local authorities. This has typically included inquiring about the charges against the person arrested and whether a warrant of arrest was required and issued, seeking immediate access to the detainee, urging that his or her physical integrity be respected and that he or she have access to medical examination or treatment as necessary and reminding those responsible of the requirement under Haitian law that the detainee be brought before a justice of the peace within 48 hours. In a significant proportion of cases the Mission's representations have resulted either in the early release of the individual by the FAD'H themselves or in his or her being taken before the justice of the peace who has ordered the release. The Mission has, when possible, assisted such detainees in being legally represented and has attended the legal proceedings. In many cases the Mission has not been allowed immediate access to the detainee, as required by the agreement with the de facto authorities, and the detainee has been subjected to beating or other torture or ill-treatment before being seen by the Mission. The Mission has, when possible, helped such detainees to receive medical treatment, including transfer to hospital in several cases.

38. The Mission has placed information regarding arbitrary arrest, torture and ill-treatment before local commanders of the FAD'H, including the names of members of the FAD'H or those linked to them identified by the victims as responsible, and has urged investigation and sanctions against anyone found to be responsible. Some of the most serious cases have also been reported to the High Command of the FAD'H. In some cases investigation and action against those responsible have been promised, although the Mission has rarely been informed of the outcome. Often, however, the authorities deny that beatings have taken place. Almost all of those identified to the Mission as responsible have remained in post and some local commanders have defended the practice of beatings as necessary because of the weakness of the judicial system. Beatings in military custody appear to have become less frequent in some places since the Mission has been present, with some detainees being released without having been beaten; elsewhere, however, severe beatings in custody continue to be reported regularly. There are indications that in some areas beating by attachés without the victim being taken into custody may have been substituted for beating in custody as an adaptation to the presence of the Mission.

3. Physical security

39. Many people have reported to the Mission that they have been the object of threats to their lives or physical integrity by members of the FAD'H or those linked to them, and among them many have felt it necessary to live in hiding (marronage) away from their homes. Such reports have been received in all

regions, although with differing frequency, and undoubtedly the number of such people who have been in contact with the Mission is a small proportion of the total of those in hiding. A relatively small number of people have informed the Mission that they intend returning or have returned to their homes and if requested to do so the Mission has maintained contact with them. Some of those who returned have again gone into hiding after receiving fresh threats, while there have continued throughout the period covered by the present report to be others going into hiding for the first time.

40. Of particular concern to the Mission are persistent threats made against people apparently because of their contacts with the Mission or because the fact that they had been the victims of human rights violations has been made public by the Mission and others. Monique Bregard, Pierre Joseph and Claudy Vilmé, whose cases are described above, have each been reported as being sought by members of the FAD'H or those linked to them after their treatment had been publicized because of the notoriety of their cases. All have gone into hiding, fearing for their safety. As described above, Claudy Vilmé's cousin, Délice Jackie, was abducted and killed shortly after the former stated publicly that he had been held in a secret place of detention.

41. In the terms of reference of the Mission agreed to by the de facto authorities, the Haitian authorities undertook to "see to the security of persons who have communicated information to that Mission, brought testimony or furnished evidence of any kind". In practice, however, many people have been the object of threats from members of the FAD'H and those linked to them for having been in contact with the Mission:

Pedro Georges, Limbé, Département du Nord

Pedro Georges, a young man well-known for his support of President Aristide, was the object of such threats after he reported to the Mission office in Cap-Haïtien that on 3 July he had been beaten by a uniformed corporal in the area of Limbé, Département du Nord. On 18 July the same corporal, accompanied by attachés, all of whom were armed with sticks and stones, went to his house and started throwing stones at the house. At the same time, they threatened to kill Pedro Georges, making reference to his visit to the Mission office. He received a further such threat from the corporal and attachés on 23 July. He was arrested on 30 July and accused by an attaché of wanting to kill his neighbour and burn his home, but was released without charge on 2 August.

Jean Monack, Saint Raphael, Département du Nord

In the same department, on 4 August, Jean Monack, deputy mayor of Saint-Raphaël, was walking two blocks away from the Mission office in Cap-Haïtien where he had reported the arrest of a colleague when a pick-up truck with no licence plates stopped in front of him. The three occupants of the vehicle accused him of giving information to the Mission and tried to oblige him to get in the vehicle. The deputy mayor was able to escape through a side street.

Arry Marsan, Port-à-Piment, Département du Sud

During the night of 12/13 August, shots were fired at the house of Arry Marsan, a lawyer and teacher who is a member of the Organisation solidarité pour le retour à la démocratie (OSRD). On the morning of 12 August, the OSRD had been one of the main organizers of a public meeting discussing the human rights situation at which he had spoken and at which the Mission had been present. In spite of promises by the authorities to investigate the shooting, no outcome has been reported so far.

Deputy mayor of Saut-d'Eau, Département du Centre

On 10 September, the deputy mayor of Saut-d'Eau, Département du Centre, was arrested without warrant after the local commander had threatened his arrest in the presence of Mission observers, accusing him of having informed the Mission of the arbitrary arrest the previous day of a woman who had declared publicly that things would change with the return of President Aristide. He was released the next day.

42. Threats to physical security are in many cases related to the political activities or suspected sympathies of the victims. There has been growing concern during September as a result of several reports of lists circulating of people to be targeted for attack before 30 October. These have included political activists, priests and journalists.

43. In other cases reported to the Mission threatened violence is related to land conflicts, personal conflicts or extortion. The Mission has received many reports that rural police chiefs and their deputies have engaged in beatings and other ill-treatment, sometimes accompanied by periods of arbitrary detention, or have threatened these, demanding payment for the release of the victim or to avert physical ill-treatment.

C. Violations of the rights to freedom of expression and freedom of association

44. As has already been stated, there is reason to believe - with varying degrees of certainty in different cases - that many of the victims of violations of the right to life and of the right to integrity and security of the person have been targeted because of their political opinions and activities: that is to say, in violation also of their right to freedom of expression and freedom of association. The Mission has also been concerned with violations of these latter rights in two particular contexts: the response of the FAD'H to attempts to organize public demonstrations, and human rights violations committed or threatened against journalists.

1. Demonstrations and other public activities

45. Article 31 of the Haitian Constitution of 1987 provides that "freedom of association and freedom of assembly, without weapons, for political, economic, social, cultural and all other peaceful ends is guaranteed". Article 31 (2) of the Constitution requires that the police be given prior notification of

meetings held in a public place. A July 1987 decree requires the organizer of a gathering of more than 20 persons in a public place to notify the authorities at least 48 hours in advance and also to furnish certain information without which it will be forbidden. Under international law, however, the right of peaceful assembly can be subject only to restrictions "which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others". It is in any event not a crime under the Haitian Penal Code to participate in a demonstration of which prior notification has not been given; no law supports the arrest or prosecution of organizers of or participants in a demonstration unless they can be held responsible for acts of violence or other criminal acts that may occur in connection with a demonstration. The United Nations Basic Principles on the Use of Force and the Use of Firearms by Law Enforcement Personnel state that force should be an exceptional measure used only as a last resort, and not for the dispersal of non-violent demonstrators, even if the demonstration is not authorized.

46. In practice, while the FAD'H have not acted to disperse with force the few demonstrations identified with opposition to the return of President Aristide or to arrest the organizers, they have made clear their refusal to permit demonstrations in support of his return and those attempting to organize such demonstrations have in most cases not given prior notification. The period of the present report has seen three phases in the response to such attempted demonstrations. Immediately before and during the negotiations on Governors Island, there were several attempted demonstrations, which were forcibly dispersed, with arrests and beatings of some participants. Following the signing of the Agreement there was a reduction in tension, as well as greater restraint by the FAD'H in their response to small demonstrations in Port-au-Prince and Gonaïves, most of which either dispersed without intervention or were dispersed without arrests or beatings. In mid-July, however, the Commander-in-Chief of the FAD'H reiterated that street demonstrations would not be tolerated: "The period we are living through is not appropriate for demonstrations. A peaceful climate must be established for the physical return of Aristide." In August and early September supporters of President Aristide sought to test the reaction of the FAD'H in various ways, including in public places, with expressions of support for the return of the President, and these attempts were repressed. The killings outside Port-au-Prince City Hall on 8 September and the assassination of Antoine Izméry on 11 September appear to have succeeded in creating a climate of fear in which, for the following two weeks, no public demonstrations of support for President Aristide were attempted. However, hostile groups of demonstrators were able to invade the Ministry of Finance on two occasions and to disrupt the investiture by the Prime Minister of the new Minister of Foreign Affairs, and a large public gathering of self-styled Duvalierists was permitted in central Port-au-Prince on 22 September.

47. On 24 June, a general strike was called in Port-au-Prince. Elysée Saintvil was arrested at his house and accused of having taken part in a gathering in support of President Aristide. He was taken to the avant-poste of Cité Soleil, where he was severely beaten by a sergeant before being released without charge. A number of young men were also chased by police from the same avant-poste, and one of them, Michel Saint Juste, was beaten by them in the street.

48. In late June, there were several attempts at public demonstrations in Gonaïves, the chief town of the Département de l'Artibonite. On 22 and 23 June, military personnel, armed with sticks, violently dispersed attempts to stage demonstrations. Three days later, on 26 June, the military carried out searches in the poorer areas of the town for leaders of grassroots organizations involved in attempted demonstrations, during which at least nine people were beaten; and on 28 June the 70-year-old father of one such leader was arrested and beaten. On 28 June, a demonstration near the Cité Soleil market in Port-au-Prince was dispersed by police, following which Vesnel François, a member of the Plateforme des organizations populaires de Cité Soleil, was arrested and severely beaten. Mission observers were refused access to him until he had been transferred to hospital for treatment of injuries he had suffered, including arm and wrist fractures. He was accused of assaulting a police officer; he said he had defended himself when being beaten at the time of his arrest. On 29 June, 13 people, most of them members of the Mouvement des paysans de Papaye, were arrested in Zabricot, Département du Centre, and initially accused of organizing a demonstration calling for the return of the rural police chief appointed by the Government of President Aristide. They were beaten with rifle butts and sticks in the barracks at Hinche and subjected to the kalot marasa. They were subsequently taken before the justice of the peace, who accused them of "disturbing public order". They were eventually released on 5 and 6 July. Meanwhile in Les Cayes, Département du Sud, on 1 July, a demonstration organized by the grassroots organization Tèt Kole Nan Sid was violently dispersed with beatings of several demonstrators. Mission observers obtained access to three people who were arrested and who had been accused of organizing the demonstration. One of the detainees had suffered serious injuries and the Mission was able to ensure that he received medical treatment.

49. An exception to the greater restraint observed in the period immediately after the Governors Island Agreement occurred on 10 July, when a demonstration was organized at the church of St. Jean Bosco in Port-au-Prince. One of the demonstrators was arrested by armed civilians who drove him in a vehicle without number plates to the Cafétéria police station, where he was severely beaten by police. The political atmosphere in Port-au-Prince intensified when on 17 August KOMEVEB organized a pre-announced and peaceful posting up of photographs of President Aristide in the Port-au-Prince suburb of Pétion-ville. The activity was soon dispersed by policemen and their civilian auxiliaries, who arrested three people. One of those arrested was Father Yvon Massac, a co-founder with Antoine Izméry of KOMEVEB, who was accused of stealing a watch from a passer-by. The three were released, uncharged, several days later. On 2 September, in Port-au-Prince, shortly after the Government of Mr. Robert Malval took office, a group of men in civilian clothes armed with sticks violently dispersed a crowd that gathered outside the National Palace and started chanting slogans in support of President Aristide.

50. The Mission has been present whenever it has itself had prior notification of demonstrations or as soon as possible after it has become aware that they were taking place, in conformity with its terms of reference, according to which its members can observe, but not of course participate in or associate themselves with, demonstrations. This distinction has been strictly respected by the Mission's observers on all occasions, although this has not prevented the Mission from being accused in statements broadcast on the state media and elsewhere of encouraging demonstrations. While peaceful demonstrators have on

occasion been beaten and arrested in the presence of the Mission, this presence has probably limited the extent of human right violations associated with demonstrations, and the Mission has intervened immediately after demonstrations to seek the release and respect for the physical integrity of those arrested, with some success. The Mission has not succeeded, however, in persuading the FAD'H to extend respect for the right to peaceful assembly where the opinions expressed are unacceptable to them.

2. Freedom of the media

51. In its interim report (A/47/960 and Corr.1), the Mission described attacks on print and radio journalists and observed that 20 months after the September 1991 coup d'état and 3 months after the deployment of the Mission, no real improvement was evident in terms of freedom of expression for the media. Since June, violations of the personal security of journalists have increased, while the systematic repression of radio correspondents in several provinces has continued. Despite this repression, the independent sectors of the Haitian media have covered political developments more openly and have increased their reporting of human rights violations, including the statements of the Mission.

52. An intense campaign of intimidation against the independent media took place during the Governors Island negotiations, when journalists reported the attacks on attempted demonstrations and other human rights violations that occurred during that period of high political tension. This coincided with a campaign on state television and radio against the Mission itself. The de facto Minister for Information summoned a group of Haitian and foreign journalists to complain about their reporting and the news director of Radio Metropole was required to appear at the office of the Chief of Police of Port-au-Prince. Radio stations in the capital received daily threats, and a list of 24 journalists to be targeted was circulated in the name of an organization called Liberté ou la mort (Freedom or Death). It was during this period that Claudy Vilmé, photographer for Le Nouvelliste, was abducted and held in secret detention, and shortly afterwards that his cousin Délice Jackie was abducted and killed.

53. Thereafter, several photo-journalists were the targets of acts of violence while on the job in Port-au-Prince, and reporters covering political events - including two foreign correspondents - were threatened by armed civilians. A growing number of Port-au-Prince journalists felt it necessary to go into hiding. Two photographers, a print journalist and three radio reporters were known to the Mission to be in hiding in early September after threatening visits to their homes by uniformed police and armed civilians. In early September, threats to journalists in Port-au-Prince reached such a level that one radio station, Radio Caraïbes, suspended news broadcasts and its director left the country after receiving death threats. A second station, Radio Tropique FM, addressed an open letter to the Chief of Police referring to repeated anonymous warnings of a plan to "massacre" its personnel.

54. A virtual news blackout continued in many provinces. Death threats prevented two radio correspondents from resuming work in Port-de-Paix, Département du Nord-Ouest; three radio journalists were sought by soldiers and armed civilians in Jérémie, Département de la Grand'Anse; one correspondent was

sought by the military and another briefly arrested in Léogâne, Département de l'Ouest.

55. The Creole weekly Libète, which supports President Aristide, continued to be a particular target. Its street vendors and informants were repeatedly threatened, beaten and arrested in the countryside and also during periods of particular tension in Port-au-Prince.

D. Conditions of detention

56. According to its terms of reference, the Mission may, "as part of the Mission's mandate, go immediately to any place or establishment where possible human right violations have been reported", and may "speak freely and confidentially with any person, group or member of any organization or institution". In view of widespread reports of illegal imprisonment and of beatings, other torture and cruel, inhuman or degrading treatment of detainees, the Mission has sought from the early stages of its deployment to visit prisons and other places of detention.

57. The FAD'H are responsible for all places of detention. Consistent with the policing functions of the FAD'H, people arrested are initially held at the local military avant-poste or barracks. According to Haitian law, such detention should not exceed 48 hours before the detainee is transferred to a civil prison. There are 15 civil prisons in Haiti, including the National Penitentiary in Port-au-Prince. In practice, many detainees continue to be held in barracks or avant-postes for the whole period of their imprisonment, which may be many months. The civil prisons are themselves administered by the FAD'H. The Commander-in-Chief of the FAD'H has expressed to the Mission the desire of the High Command that they be transferred as soon as possible to the civil administration.

58. In law, the commissaires du gouvernement have responsibility for ensuring that places of detention are clean and that the health of prisoners is not impaired by their conditions of detention. They and other local judicial officials are charged with making monthly visits. In practice, commissaires du gouvernement rarely try to exercise these responsibilities and if they do are sometimes obstructed by the military authorities.

59. The Mission has experienced difficulties in its efforts to make periodic visits to all prisons and places of detention. The FAD'H recognize in principle that the terms of reference give the Mission the right to have immediate confidential access to a particular detainee whom it believes may have been the victim of a human rights violation within its mandate, although this right has frequently been obstructed in practice. They have argued, however, that the terms of reference do not entitle the Mission to make unannounced general visits to prisons and places of detention, although general visits may be permitted on the basis of a prior request to the authorities. In practice the experience of the Mission in obtaining access has varied considerably in different places and at different times according to the attitude of the officers of the FAD'H in local command. Particular difficulty has been experienced in Port-au-Prince, where the Mission has been denied prompt access to individual detainees after their arrest or comprehensive access to several places of detention.

60. In the three months from June to August Mission observers conducted 30 general visits to places of detention throughout Haiti, recording the identity of 648 people detained at the time of the visits. In most cases there was not even a rudimentary register of prisoners, although Haitian law requires that separate registers be kept in each judicial district of detainees awaiting trial and convicted prisoners serving their sentences. A majority of detainees interviewed were imprisoned outside proper legal procedures, some for over a year, and had never been represented by a lawyer. Many told the observers that they were being asked to pay sums of money beyond their means to be released. The Mission drew many cases of illegal detention - especially where the detainees had been imprisoned for long periods - to the attention of the military authorities responsible for the place of detention and to the appropriate commissaire du gouvernement, and some prisoners were released as a result.

61. The conditions of detention found by the Mission were deplorable. In many cases there was gross overcrowding of prisoners in cells, even where additional accommodation was available. Sanitary conditions were appalling. The budget provided to the FAD'H for prisoners is seriously inadequate, but in any event little of it seems to be applied for their needs: in general, prisoners received only food brought by their families. Routine beatings were reported, and some prisoners were said to have been subjected to deliberately cruel conditions as a disciplinary measure. Several prisoners were found in an advanced state of malnutrition. Many prisoners required but were not receiving medical treatment, in many cases for injuries they said they had suffered as a result of beatings in detention. In several cases the Mission arranged for prisoners to be transferred to hospital, released for medical treatment or treated in detention. The Mission was informed of a number of deaths as a result of such conditions.

62. The work of the Mission has so far contributed to the release of some prisoners and only a small alleviation of the situation of others. The current situation is one that has been contributed to by decades of neglect by successive Governments and not one that has existed only since the coup d'état of September 1991. The New York Pact commits the political forces that signed it "to have the status of prisoners throughout the territory of Haiti reviewed, on the basis of an accelerated procedure" and to enact a new law on prison administration. The Mission is currently discussing with the constitutional Government the improvement of its regular access to places of detention and the immediate role its observers can play while a programme of reform is being initiated.

V. THE RESPONSE TO THE MISSION

1. Relations with the Armed Forces of Haiti

63. The Mission's terms of reference mandate it to make known to the Haitian authorities its concerns about human rights violations and to take their response into account when preparing its reports and conclusions. They require the Haitian authorities to supply any information requested by the Mission and relevant to the performance of its tasks. Although the Mission maintained contact with the de facto Minister of Foreign Affairs, the de facto civilian

authorities were not in a position to respond usefully to the Mission's human rights concerns. In this context, the Mission has sought to have a correct dialogue with the FAD'H at national, regional and local levels. It has been received on request by the Commander-in-Chief and the High Command, who also established channels for more urgent or regular communication. It has usually had prompt access to those in regional and local command in the provinces, although there have been occasions where meetings appear to have been deliberately avoided. As already noted, attempts since the situation of violence in Port-au-Prince increased dramatically in July to meet the Chief of Police of the metropolitan area have been unsuccessful.

64. The Mission has written regularly to the High Command, and its regional coordinators have written to regional commanders, to set out the information reported to it regarding particularly serious human rights violations and to urge investigation and appropriate action. Only in one case has the FAD'H responded in writing setting out its information regarding a reported instance of torture and degrading treatment in the Département du Sud-Est. On four occasions, the High Command has written to the Mission to object to the alleged conduct of observers and the Mission has responded indicating its belief that the observers had not acted improperly. Sometimes the FAD'H's version of events has been stated to the Mission orally or has appeared in the media. If proper investigations have been pursued, however, neither their processes, their findings nor any action taken have been made known to the Mission, which has therefore been unable to test the reports given to it by victims and witnesses against information available to the FAD'H. In a very small number of cases the Mission has been informed orally that the alleged perpetrator of a human rights violation has been placed under arrest. It has never been informed of any subsequent action and is certainly not aware of any member of the FAD'H being brought before the civilian courts, which under the Constitution have jurisdiction over such matters. In a few other cases, alleged perpetrators appear to have been transferred. The High Command has insisted to the Mission that it has taken disciplinary measures against soldiers who have committed human rights violations, but has categorically refused to give such information to the Mission.

65. The Mission has urged the High Command to state publicly the necessity for all members of the FAD'H to respect the integrity of the person, and to give public assurances that those who have gone into internal hiding could return home with assurances of their safety. No such public statements have been made. However, the Mission learned at a meeting with the High Command in early June that in late May the Commander-in-Chief had addressed regional commanders on the need to prevent "gratuitous violence".

66. The Mission has repeatedly had to communicate to the FAD'H its concern at the failure of members of the FAD'H and those linked to them to respect the terms of reference of the Mission agreed by the de facto authorities in February. The present report has noted above that there have been frequent breaches of paragraph 3 (b) of the terms of reference, which provides for immediate access to places, including places of detention, where possible human rights violations have been reported. It has also noted the failure to see to the security of people who have communicated with the Mission as required by paragraph 4 (b) of the terms of reference and that on the contrary such people have been subjected to threats to their personal security. The Mission's

interim report recorded acts of intimidation directed against personnel of the Mission as well as against those in contact with it. Such acts have continued, with increasing seriousness. In one recent instance in Port-au-Prince, where the level of aggression from attachés and police has been particularly high, an attaché drew a gun and pointed it at observers visiting a police station. In another, a marked vehicle of the Mission with a team of observers driving in Cap-Haïtien was surrounded by armed men in military uniform, who banged on its sides and roof with their rifles and batons, in the presence of an officer who made no attempt to stop them. In Gonaïves, Hinche, Jacmel and Jérémie, soldiers have attempted to intimidate observers by shouting insults and waving their weapons. Several local personnel of the Mission have had serious threats directed at them, in their homes as well as while on duty. Paragraph 4 (d) of the terms of reference obliges the authorities not to obstruct the Mission in the performance of its tasks and paragraph 4 (f) requires them to take the necessary measures to ensure the safety of the members of the Mission, but if orders have been given to prevent threats to the personnel of the Mission, they have not been effective.

2. Response of the judicial system

67. In the face of widespread human rights violations, the Mission has attempted to activate the Haitian judicial system, encouraging it to exercise its constitutional and statutory prerogative to enforce legality and investigate violations. It is not surprising that the response has been mixed. Members of the FAD'H and those linked to them continue to intimidate judges and prosecutors, many of whom owe their positions to influential members of the military. For example, on 8 July, in Vieux Bourg d'Aquin, Département du Sud, four armed soldiers, accompanied by the local investigating judge, notified the area's justice of the peace that he had been dismissed and forced him to leave his office. Later, soldiers and armed civilians went to his house asking for him by name, but he had already fled the country. Also in July, in St.-Louis du Sud, Département du Sud, an assistant justice of the peace who is a known supporter of President Aristide was attacked and beaten by armed civilians who burned down the house next door. On 14 July, a soldier arrested the justice of the peace in Abricots, Département de la Grand'Anse, beating him with a pistol; he was later accused of having photographs of President Aristide. Several judges and prosecutors who had been appointed by the constitutional Government in 1991 were dismissed in July. The prosecutor in Saint-Marc, Département de l'Artibonite, and justices of the peace in Les Cayes, Maniche, Port-Salut and St.-Louis du Sud, all in the Département du Sud, were all dismissed without any notice, hearing or charges filed against them.

68. Despite such intimidation, several judges and prosecutors have shown great courage and integrity in the face of threats and possible reprisals. Some judges have released detainees who were arrested for having pictures of President Aristide on the grounds that this is not an offence under the Haitian Penal Code. Others have ordered detainees to be released because their arrests or continued detention were illegal. Many of these releases have been ordered when observers of the Mission have been present in court. Through its constant insistence that the requirements of Haitian law be followed, the Mission has seen an increased willingness by judges to apply the law on arrest and detention, and a marked increase in granting provisional liberty to detainees.

Prisoners have been processed through the system faster and some now even receive a hearing within 48 hours after arrest, as is required by the Constitution but was exceedingly rare before the presence of the Mission.

69. For the most part, however, members of the judiciary remain extremely reluctant to investigate cases involving the FAD'H. The Mission has seen several cases where compelling evidence of a human rights violation has been presented to a judicial official and no action taken. The officials freely admit that it would be either too dangerous or fruitless for them to undertake an investigation. In the case already referred to of Jude Monville and two other persons found dead near Kyona Beach, Département de l'Ouest, on 10 July, the Mission presented compelling evidence connecting the deceased to Saint-Marc prison. Both the justice of the peace and the commissaire du gouvernment were visibly shaken by the evidence, but no investigation was begun and promising leads were ignored.

3. Relations with the general public

70. The response of the general public to the presence and action of the Mission is not easy to assess. There were high hopes, and in many ways unrealistic expectations, among much of the population of how far the human rights situation could be transformed by its presence alone. At the same time, a minority were hostile to its presence from the beginning. The Mission has been subject to vociferous criticism from those who have had ready access to the state media and regard its presence as unwelcome foreign intervention. Such criticism has included the charge that the Mission has not acted with objectivity. The Mission has also been criticized by those who regard it as powerless or inadequate to prevent human rights violations and generalized repression. Over the period of the present report, however, the Mission's offices have received an increasing number of people seeking its assistance, with a growing understanding of its role. An increasing number of ordinary Haitians have expressed their appreciation of the presence of the observers and their belief that their vulnerability to human rights violations would be greater if the Mission did not maintain its presence.

VI. THE MISSION AND THE TRANSITION

71. It has been recognized from the inception of the Mission that its ability to bring about major improvements in the human rights situation in Haiti would be limited until substantial reform of the institutions essential to human rights protection could be undertaken. The agreement defining the mandate of the Mission also envisaged parallel discussions regarding an agenda and timetable for instituting and effecting institutional reform. The report by the team of human rights experts observed (A/47/908, annex III, para. 16) that:

> "The credibility of the Mission will depend crucially on its ability not merely to report on human rights violations but to bring about redress and prevent future violations. The institutional weaknesses in Haiti are so severe that its ability to do this for any substantial period before institutional reform is embarked upon will inevitably be limited. At the same time, it is our conviction that meaningful institutional reform cannot

commence until a legitimate government is in place and other crucial preconditions exist."

72. An agenda for institutional reform has now been agreed in the Governors Island Agreement and the New York Pact. It includes the establishment of a new civilian police force, separate from the FAD'H; the abolition of all paramilitary forces; the bringing into existence of the Office for the Protection of the Citizen; and the creation of a penal administration. International assistance is to be provided for administrative and judicial reform, as well as for the modernization of the FAD'H and the creation of the new police force. The constitutional Government is now beginning work on these reforms, and the Security Council has approved the establishment and dispatch of the United Nations Mission in Haiti (UNMIH), comprising United Nations police monitors and a military assistance component to provide non-combat training and carry out construction projects. The report of the Secretary-General of 21 September 1993 (S/26480) envisages that, to the extent possible, United Nations police monitors would be deployed at the same locations as the United Nations/OAS civilian monitors of the International Civilian Mission to Haiti (MICIVIH), and that UNMIH would coordinate its activities closely with MICIVIH. MICIVIH would provide an orientation course for the United Nations police monitors. The Mission should therefore be able to contribute the experience of its work throughout the country to efforts to undertake judicial reform, reform of penal administration and the screening and human rights training of the new police.

VII. CONCLUSION

73. Divisions and antagonisms in Haitian politics and society remain deep; there is as yet little control over those with access to weapons and fears have been growing amongst the unarmed population of further violence intended to prevent the return of President Aristide. During the crucial period before and immediately after the return of the President, the experience and the relationships the Mission's observers have built up during six months of work with the local population will be used to make as great a contribution as they can to a peaceful transition to constitutional and democratic order in Haiti.

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THE SITUATION OF DEMOCRACY AND HUMAN RIGHTS IN HAITI

Note by the Secretary-General

Addendum

The present document is an addendum to the interim report by the International Civilian Mission established in Haiti by the United Nations and the Organization of American States on the situation of democracy and human rights in Haiti (A/48/532, annex). The Special Envoy appointed by myself and the Secretary-General of the Organization of American States, Mr. Dante Caputo, has also submitted the present report (see annex) to the Secretary-General of the Organization of American States, who is making it available to the member States of that Organization. It is circulated herewith, for the information of the members of the General Assembly, in accordance with paragraph 9 of Assembly resolution 47/20 B of 20 April 1993.

ANNEX

Supplementary report of the International Civilian Mission to Haiti

1. The report of the International Civilian Mission submitted pursuant to paragraph 9 of General Assembly resolution 47/20 B of 20 April 1993 on the situation of democracy and human rights in Haiti and circulated to members of the General Assembly on 25 October 1993 (A/48/523, annex) contained a full analysis of the work of the Mission and the human rights situation in Haiti for the period from 1 June to 31 August 1993, and also incorporated reference to important events that occurred in September. The present supplementary report updates the previous report by giving additional information regarding the human rights situation up to the evacuation of the Mission from Haiti on grounds of security on 15/16 October.

2. Over 60 killings or suspect deaths in Port-au-Prince were reported to the Mission in the month of September. Although over half of them occurred in the second week of September and the numbers fell again in the second half of the month, killings and enforced disappearances in the capital continued into October. The Mission's investigation of such violations of the right to life and of the right to integrity and security of person afforded increasing evidence of targeted political assassinations carried out by paramilitary groups linked to the Forces Armées d'Haiti (FAD'H) or by members of the FAD'H themselves.

3. The Mission continued its investigation into the assassination of Antoine Izméry, a prominent supporter of President Jean-Bertrand Aristide and co-founder of the Komite mete men pou verite blayi (KOMEVEB, Joint Committee for the Emergence of the Truth), on the occasion of a mass organized by the KOMEVEB on 11 September in the Church of Sacré-Coeur in Port-au-Prince. The executive summary of its report on that investigation appears as an appendix to the present report. (The report itself may be consulted in the Secretariat.) The investigation concluded that the group of armed men responsible for the assassination of Mr. Izémry included a person identified as a member of the FAD'H, as well as several attachés (civilian auxiliaries of the FAD'H); that they operated with the support of uniformed members of the FAD'H present around the site of the killing; and that the scale and nature of the operation were such that it could only have been carried out with the complicity, if not the direct participation, of highly placed members of the FAD'H.

4. The overall incidence of killings and suspect deaths in Port-au-Prince reached a peak around the weekend of the killing of Mr. Izméry and fell sharply following the international condemnation to which it gave rise. The fact that there was such a sudden fall in killings attributed to zenglendos, armed criminal groups operating at night, particularly in the slums and working class districts of the city, in which the victims were not political activists, supports the analysis that the operations of zenglendos are subject to the control of the FAD'H and are intended to create a climate of fear and intimidation when the political situation is felt to require it.

5. Despite the overall decline in the total number of killings and suspect deaths in Port-au-Prince from mid-September, killings of political activists continued to occur during the second half of the month and the first half of October. The Mission was investigating reports of over a dozen killings in Port-au-Prince between 1 and 15 October, but in view of the delay with which some reports are received this is likely to be less than the total that would have been reported for the period if the Mission had remained in Haiti. There were also a growing number of reports that bodies were being taken away from the scene of killings:

(a) Edouard Dil, an active supporter of President Aristide, was killed in the evening of 25 September in the neighbourhood of Canapé Vert by four armed men in a red Rocky pick-up, a vehicle involved in several other killings. The men, who were armed with Colt 45 pistols and with automatic weapons, fired several times at the victim while deriding his political sympathies;

(b) Martial Milord Aurélus, an activist of the Organisation populaire de Bolosse in Carrefour, was abducted on 26 September by armed men in a white pick-up without plates. His body was found some hours later on the Route de Pharnal: his hands were tied behind his back and he had been killed with a bullet in his left temple. His funeral took place on 4 October, when four other activists of the same organization, including its Secretary-General, were abducted by armed men, also operating in a white pick-up without plates: their fate is unknown to the Mission;

(c) Inés Dormé, the mother of an activist of the Comité Jeunes pour Volcy in Cité Soleil was killed by armed men who were looking for her son late in the evening of 28 September in rue Volcy, Cité Soleil;

(d) Inok Lorsius, a supporter of President Aristide, was taken away from his home near the Port-au-Prince cemetery in the evening of 29 September by seven men with automatic weapons in a red pick-up with government plates. His body with several bullet wounds was found early the next morning in the rue Joseph Janvier. He lived with a political activist who had participated in the posting-up of photographs of President Aristide organized by the KOMEVEB in the suburb of Pétionville on 17 August, and armed men had been reported asking for their address;

(e) Carlo Altidor was killed on 4 October when he was shot twice from a vehicle without plates in the rue Marcajoux; he had been the object of repeated threats after an article had appeared in his name in the pro-Aristide Creole weekly Libete;

(f) Ronald Cadet was killed by armed men at Delmas 24 on 9 October; he was an activist in the youth organization Comité Jeunes pour Volcy in Cité Soleil, which was currently the object of active repression by the Cité Soleil police. Another active member of the same organization, Fricko Otess, was killed on 10 October after having been intercepted and taken away by armed men in a white pick-up, which witnesses said came from the Wharf police post at Cité Soleil; a policeman from that post, known by the residents of the locality for his operations in civilian clothing, was reported to be responsible for Otess' illegal arrest and arbitrary execution. Other members of the organization were reported to have been illegally arrested by members of the Duvalierist political

organization the Front pour l'avancement et le progrés haïtien (FRAPH) on the day of their general strike, 7 October, and taken to the locality outside Port-au-Prince known as Tit Anyen, the site of a mass grave during the Duvalier era where bodies have regularly been discovered since the coup d'état. One person taken there that day said he was questioned about the activities of supporters of President Aristide and shown photographs of several people, including Ronald Cadet and Fricko Otess, whom his interrogators said they were going to kill; he also said he saw some 20 bodies at the site.

6. The features of the pattern of attacks upon political activists in the city became increasingly apparent from the Mission's continuing investigations into these and previous killings and enforced disappearances. The victims were members of popular organizations considered pro-Lavalas (the movement that supported the election of President Aristide), in particular leaders who continued to be active in their localities. The perpetrators were armed men mostly operating in civilian clothing, usually at nightfall, without covering their faces. They were armed with automatic weapons (Uzis and M16s) and operated in red or white pick-up vehicles, sometimes with government plates. In several cases there was information regarding a direct link between the perpetrators and the FAD'H, and the impunity and logistical support of their operation is strongly indicative of FAD'H involvement. Their activities appear to be supported by a major intelligence operation, seen clearly in the questioning in previous months of victims of enforced disappearance who subsequently reappeared.

7. Some such violations were perpetrated directly by members of the FAD'H acting in uniform. In the late evening of 23 September, a political activist who was a member of several community organizations in Carrefour was stopped in the street by a patrol of about 20 soldiers in olive-green military uniform. Recognizing him as one of the members of the neighbourhood watch committee, the soldiers ordered him to walk in front of them and then shot at him; he received several bullet wounds and was left for dead. The Mission was able to arrange for his medical treatment. His experience was consistent with other reports indicating that members of the FAD'H met regularly at the home of a sergeant of the Lamentin 54 barracks and undertook night patrols in the area. The vehicles used in those patrols were also reported to have been used in the operations of armed men on 7 October, the day of the general strike called by the FRAPH.

8. While up to August two thirds of those reported to have been abducted reappeared, from September onwards those who disappeared were either found dead or remain disappeared. The Mission has information about seven cases of people who disappeared after the beginning of September, but believes that these are likely to represent only a proportion of the total. They include Pierre Michel Guillaume, an active supporter of President Aristide in Les Cayes, Département du Sud, arrested there in early September in connection with an operation of posting photographs of President Aristide and abducted in Port-au-Prince on 27 September in a white pick-up without plates when leaving the office that processes applications for asylum in the United States of America. The brother of the victim, Jean-Marie Guillaume, was himself abducted on 13 October at the Port-au-Prince tap-tap (public transport) station near City Hall, by armed men who identified him by name before taking him away in a white pick-up, blindfolded, with several other detainees. They were taken to the anti-gang police station where he was questioned about the activities of his

brother and threatened with the same fate. A large number of detainees were reportedly being held at the anti-gang police station at that time.

9. A number of the victims of killings in Port-au-Prince were activists who had left their homes in other départements after being sought there. The Guillaume brothers were reported to have been recognized by attachés from Les Cayes after they had come to Port-au-Prince. There was growing information that armed men considered attachés in their areas of origin were operating in the slums and working-class districts of Port-au-Prince, together with or acting as members of FRAPH, to seek out internally displaced people in the city. The number of bodies that remained unidentified is consistent with the hypothesis that victims included displaced activists from the provinces who had attempted to go into hiding in the capital.

10. While the majority of politically targeted victims were local activists, the killing of Antoine Izméry was followed by other probable attempts to kill national political leaders. On the night of 4 October, four heavily armed men entered the home of Jean-Claude Bajeux, Director of the Centre oecuménique de droits de l'homme, a human rights organization with an international reputation, and a leader of the political party Komité nasyonal kongré mouvman démokratik yo KONAKOM (National Congress of Democratic Movements). Neither he nor his wife were at home; in their absence their household employees were tied up, assaulted and threatened with death, and a neighbour was shot in the stomach. In the preceding days the Centre oecuménique had received a number of threats after Mr. Bajeux had made public statements criticizing the announcement by the Director of the National Museum of an exhibit commemorating François Duvalier. The events at the Hotel Christopher on 5 October, described below (para. 13), may have had as their target the Mayor of Port-au-Prince, Evans Paul.

11. In the early afternoon of 14 October, the Minister of Justice in the constitutional Government of Prime Minister Robert Malval, Guy Malary, was gunned down in his car in the rue José Marti, near his Ministry. The Minister had left his office after leaving a meeting because the participants had noted the presence of armed men in the streets around the Ministry. Mission observers were prevented from having access to the scene of the killing for over one hour. When permitted to approach the site, they saw the bodies of the Minister, his driver and one of his bodyguards, and observed a fourth victim, perhaps a second bodyguard, being driven away in a military ambulance. The Minister's vehicle bore the marks of a large number of small-calibre bullets and several holes of large diameter indicating the use of heavy assault weapons. The commander of the anti-gang police station was on the scene and was seen to order the taking away of frightened witnesses. The Minister was a key participant in the implementation of the Governors Island Agreement and had recently presented to Parliament a law establishing a new civilian police force separate from the FAD'H.

12. The Mission's previous report (A/48/532, para. 46) noted that the killings outside Port-au-Prince City Hall at the time of the re-investiture of the elected Mayor on 8 September and the assassination of Antoine Izméry on 11 September appeared to have succeeded in creating a climate of fear in which no public demonstrations of support for President Aristide were subsequently attempted. That situation continued into October. The report also noted, however, that groups of demonstrators hostile to the constitutional Government

were able to force their way into the Ministry of Finance on two occasions and to disrupt the investiture by the Prime Minister of the new Minister of Foreign Affairs, and a large gathering of self-styled Duvalierists was permitted in central Port-au-Prince on 22 September. The evidence that the FAD'H were not only permitting but encouraging and accompanying intimidatory demonstrations by those hostile to the constitutional Government, in which arms were carried and violence and intimidation committed, mounted thereafter.

13. Several of the intimidatory demonstrations were organized in the name of the newly formed Duvalierist political organization, the FRAPH. On 5 October, the FRAPH held a meeting and press conference at the Hotel Christopher in Port-au-Prince, at which it called for a general strike on 7 October. At the time of that meeting, the Mayor of Port-au-Prince had just concluded a meeting with city school directors in the office building of the former Presidential Commission (disbanded when the Government of Prime Minister Robert Malval took office). The building subsequently accommodated the liaison office of the Prime Minister with the Parliament. More than a hundred armed men surrounded the building, which was broken into and ransacked. The assailants, some of whom were carrying and firing automatic weapons, accompanied by uniformed police who had been called to the scene, manhandled and illegally arrested 41 occupants of the building, including those who had been taking part in the meeting of school directors and Wesner Emmanuel, the former Senator who is the Prime Minister's Parliamentary Liaison Officer. All were compelled to leave the building, their hands above their heads, under threat of arms. The police present made no attempt to control the conduct of the armed civilians and they themselves participated in the illegal arrests. Those arrested were taken to the anti-gang police station, which forms part of the same building as the headquarters of the Chief of Police of the metropolitan zone, in vehicles that had been seen to convey the armed civilians to the site. Although the occupants had themselves been gratuitously assaulted by those who broke into the building where they had been engaged in peaceful activities, the police, when asked by the Mission what was the basis for their arrest, accused them of "voies de fait" ("assault"). However, they were all released without being formally charged or brought before a court.

14. A team of the Mission went to investigate the events, but had to withdraw after a man in civilian clothing fired rounds from an automatic weapon in their direction. Much of the event was however witnessed by Mission observers who were staying in the Hotel Christopher.

15. The Mission issued a statement on 6 October noting that the attacks on personal integrity and security and repeated violations of the freedoms of expression and assembly were evidence of the unwillingness of the authorities responsible for maintaining law and order to enforce the respect of rights guaranteed by the Haitian Constitution and international human rights treaties to which Haiti is a party.

16. Despite increasingly intimidatory behaviour by the FAD'H, their attachés and other armed men allowed to operate with impunity in Port-au-Prince, the Mission followed closely the situation in the capital as well as in the provinces throughout 7 October, the day of the strike called by the FRAPH. In Port-au-Prince, the Mission observed that in the morning groups of men in private vehicles patrolled the main streets of the city, intercepting other

vehicles and closing down any activity in the city's markets. On many occasions, armed men assaulted shopkeepers, stallholders and passers-by, and fired shots to spread panic among the population. In the neighbourhood of Carrefour, at a site where armed men were observed inflicting beatings, Mission observers had to withdraw on being threatened with automatic weapons. Throughout the day, police patrols were often observed escorting the armed civilians enforcing the strike and sometimes acting in concert with them from the same vehicles. In Jacmel, the chief town of the Département du Sud-Est, and in Gonaïves, the chief town of the Département de l'Artibonite, soldiers were seen assisting civilians in enforcing the strike.

17. The Mission issued a statement on 7 October deploring the failure of the military authorities to protect the population against the threatening behaviour of armed men and drawing attention to the participation of the FAD'H in acts of intimidation and terror against citizens attempting to go about their normal business. The Mission noted that freedom of expression and peaceful assembly should be guaranteed to all sectors of society without partiality and the law enforced against those who committed acts of violence or intimidation.

18. On 11 October, the FRAPH organized a demonstration at the port of Port-au-Prince when the United States Navy vessel the Harlan County was due to dock to put ashore United States and Canadian soldiers forming part of the United Nations Mission in Haiti. The car of the United States Chargé d'affaires was violently attacked by a crowd of armed men and several journalists were assaulted by them. This further violence again took place in the presence of a large number of uniformed police who did not intervene. The same morning, armed men took over the state radio and television stations, where the installation of directors appointed by the constitutional Government had eventually taken place after weeks of forcible resistance, and commenced anti-government broadcasts. The Commander-in-Chief of the FAD'H, Lieutenant-General Raoul Cedras, issued a statement, which, while it condemned the acts of violence of the morning and the illegal occupation of the state radio and television stations, deplored "that Haitian citizens, concerned for their sovereignty and demonstrating to reclaim transparency in the affairs of the nation, should have been treated as bandits and criminals by representatives of the international community".

19. The overwhelming majority of reported killings in the country continued to be in Port-au-Prince. Elsewhere, on 19 September, a corporal of the military barracks at Côtes-de-Fer, Département du Sud-Est, was apparently engaged in extortion at Morne Blanc when he shot dead Oritiz Orisma. The corporal was overwhelmed and disarmed by the local population; when additional soldiers arrived from the barracks they arrested 10 people for attacking the corporal. The corporal was later transferred to the military hospital in Port-au-Prince but no disciplinary procedures were known to have been initiated. On 8 October, François Cevile was killed at his home near Maniche, Département du Sud, by an attaché; the reason for the killing is unknown, although it was rumoured in the area that he was on a list of intended victims. The perpetrator was killed in revenge the following day by the local population. There were several reports, which the Mission was not able to confirm, of killings carried out by soldiers and attachés at Pont Sondé, near Saint-Marc, Département de l'Artibonite.

20. An enforced disappearance took place at Hinche, Département du Centre, on 7 October. Towards midnight, a group of attachés led by the chef de section (rural police chief) went to the house of an active member of the Mouvement des paysans de Papaye (MPP) and supporter of President Aristide at Cité Silence. They beat his companion to try to force her to disclose his whereabouts, then discovered him in the house, dragged him outside and beat him. He was reported to have been taken to the barracks at Hinche. His fate is unknown; the Mission has received an unconfirmed report that his body was found in a river at the end of October.

21. Throughout September and the first half of October, Mission observers continued to intervene in cases of arbitrary arrests, illegal detention and torture, the victims of which were in many cases people targeted for their political activities or opinions:

(a) At Thomassique, Département du Centre, an activist of the MPP was illegally arrested on 7 September in the presence of many witnesses by three soldiers in uniform. He was accused of preparing the return of President Aristide and was asked for the names of people who had participated the previous week in a meeting with the Mission, and was beaten severely in the street and after being taken to the barracks, twice losing consciousness. He was released after six hours of detention; the Mission arranged for his medical treatment;

(b) At Gonaïves, Département de l'Artibonite, a leader of a popular organization who had been arrested on two previous occasions since the coup d'état was illegally arrested on 8 September by four members of the FAD'H and severely beaten with batons all over his body and on the head. He was accused of burning tyres and provoking demonstrations in June. He was released two days later as a result of the intervention of the Mission;

(c) At Hinche, Département du Centre, during the night of 15 September, a group of masked attachés went to the home of the former President of the Electoral Council, considered sympathetic to the MPP and to President Aristide, and, accusing him of favouring the return of the President, beat him with batons, particularly on the head, with the result that he required hospitalization;

(d) At Petite Rivière de l'Artibonite, Département de l'Artibonite, a leading local member of the Front national pour le changement et la démocratie (FNCD) was arrested by a corporal without a warrant on 22 September. He was initially accused of throwing stones at a neighbour's house and then of involvement in the distribution of pro-Aristide leaflets, posting up photos of the President and "multiples désordres". While observers were on their way to make representations regarding his case on 24 September, he was beaten in his cell by the commander of the barracks, a corporal and an attaché. He was eventually taken before a judge on 27 September and provisionally released two days later;

(e) At Camp Perrin, Département du Sud, a supporter of President Aristide was arrested by soldiers on 26 September and severely beaten both at the time of his arrest and after he had been taken to the military post. He was only

transferred to prison at Les Cayes four days later, after the intervention of the Mission, and as at 14 October he had not yet been taken before a judge. The district military commander threatened in the presence of Mission observers that he would be killed;

(f) At Cap-Haïtien, Département du Nord, during the parade staged by the FAD'H apparently to celebrate the second anniversary of the coup d'état on 30 September, a young man was arrested and beaten in the street and in a military truck by attachés after he was suspected of making a remark in support of the return of President Aristide. He was further beaten severely by many uniformed members of the FAD'H and attachés inside police headquarters, and subjected to the "kalot marasa" (twin slap on the ears - a torture technique frequently employed by the FAD'H, see A/48/532, para. 33), before being released;

(g) At Hinche, Département du Centre, during the night of 12 October, eight men including an armed soldier went to the home of an active member of the Ti Legliz ("Little Church", associated with liberation theology and President Aristide). He was taken out and subjected to blows from batons and rifle butts and the kalot marasa. He was taken towards the river, continuing to be severely beaten, and eventually was able to throw himself into the river and flee. He was hospitalized with the assistance of the Mission in a critical condition, having lost most of his teeth and with open wounds on his head, ears and stomach;

(h) At Petite Rivière de Bayonnais, Département de l'Artibonite, immediately after a meeting on human rights education organized by the Mission on 13 October, the only two people who spoke during the meeting were arrested in full view of Mission observers and others by a corporal and an attaché, and taken to the military post. There an old man, apparently a relative of one of the two, was also arrested after complaining about the arrests. The corporal in charge of the post ordered that he be given 150 blows; this was not carried out, but the other two men were beaten. One was seen by Mission observers on the floor in the folded "djak" position (a torture technique frequently employed by the FAD'H, see A/48/532, para. 33). The Mission intervened with the commander of the Département; one was released the same day and the other two the next day.

22. Many of the cases of arbitrary arrests, illegal detention and torture can thus be seen to have been linked to the attempts of the victims to exercise their right to freedom of expression, most commonly by expressing their support for President Aristide. Other severe cases of violation of the right to integrity and security of the person continued to be carried out against those accused of ordinary criminal offences:

(a) At Cap-Haïtien, Département du Nord, during the night of 27/28 September, 18 children between the ages of 8 and 17 were arrested by attachés, beaten and taken to police headquarters, where they were beaten further and placed in cells. They were accused of glue-sniffing. One 17-year-old was shot in the buttocks trying to escape arrest. One 16-year-old suffered a broken arm from beating and another 17-year-old suffered a ruptured retina as a result of a blow to his left eye and is expected to lose vision in the eye;

(b) In the 4th Section of Dessalines, Département de l'Artibonite, a farmer was arrested without warrant on 29 September and taken to the house of the chef de section. He was beaten there and transferred the following day to the Dessalines barracks, where he was beaten again by a corporal. On 1 October, he was brought before the justice of the peace: he was unable to walk or sit as a result of serious wounds on his buttocks and left knee, and the justice ordered him to be sent to hospital for urgent medical treatment;

(c) In the prison of Les Cayes, Département du Sud, on 1 October, a prisoner serving a sentence for theft was beaten by a corporal so severely that he was transferred unconscious to hospital and remained hospitalized on 14 October. His alleged offence was that he had thrown urine over the corporal.

23. As the date of 30 October agreed upon in the Governors Island Agreement for the return of President Aristide drew nearer, parades and demonstrations by the FAD'H and those linked to them, sometimes operating in the name of or in conjunction with the FRAPH, and clearly intended to intimidate the supporters of the President and the constitutional government, occurred in many parts of the country. In Cap-Haïtien, Département du Nord, the FAD'H and their attachés staged parades on 30 September, apparently to celebrate the second anniversary of the coup d'état against President Aristide, and again on 8 and 13 October. In Gonaïves, Département de l'Artibonite, the FRAPH called a demonstration on 12 October in the main square; vehicles with loudspeakers told shopkeepers to close and the demonstration took place in the presence of members of the FAD'H. In Jérémie, Département de la Grand'Anse, soldiers paraded through the streets on 12 October, shouting nationalist slogans and against the presence of foreigners.

24. Meanwhile, reports continued to be received from different parts of the country of the additional recruitment of attachés and the further distribution of arms to them, and of threats including the drawing up of lists of people to be targeted for elimination or victimization. In many places the visible presence of attachés intensified and in some places this led to a virtual curfew.

25. Among the demands of some of the demonstrations, and of public statements by those associated with them, were the withdrawal from Haiti of the Special Representative of the Secretaries-General of the United Nations and the Organization of American States (OAS), of the United Nations Mission to Haiti (UNMIH) and of the United Nations/OAS International Civilian Mission to Haiti (MICIVIH). Mission observers faced increasingly threatening behaviour from members of the FAD'H and their attachés, especially in Port-au-Prince and Cap-Haïtien, Département du Nord, including being threatened with loaded weapons on a growing number of occasions and, in the incident referred to in paragraph 14 above, being fired upon. On 12 October, about 300 men, including attachés, some of them armed with batons, surrounded the office of the Mission in Hinche, Département du Centre, shouting slogans against both MICIVIH and UNMIH and tearing down a human rights education banner. Later the same morning they proceeded to a residence of Mission observers, where they assaulted a local employee and smashed the windows of a Mission vehicle.

26. After the evacuation of the Mission, the Commander-in-Chief of the FAD'H stated in a television interview on 17 October that at no time had members of

the Mission been threatened. That false assertion is contradicted by the various communications sent by the Mission to the High Command of the FAD'H over several months drawing attention to the most serious incidents of threats to Mission personnel and reminding the High Command that paragraph 4 (f) of the terms of reference of the Mission required the authorities to take the necessary measures to ensure the safety of members of the Mission. At no time during the Mission's presence did the High Command make any public statement regarding respect for that requirement and the Mission received no response to any of the communications.

27. In view of the deteriorating security situation facing personnel of the Mission and following the decision of the United States Government to withdraw the Harlan County from Haitian waters on 12 October and that of the Government of Canada to withdraw the Canadian United Nations police monitors from Haiti on 14 October, it was decided that security conditions required the evacuation of the international personnel of MICIVIH to the Dominican Republic until conditions permitted their return. That evacuation was carried out on 15 and 16 October.

28. On 16 October, the Mission issued a statement recording that it had received its instructions to relocate with great sadness and regret, and wished to express its highest regard for all those Haitians - the vast majority - who had struggled so valiantly to protect human rights, to create the rule of law and to restore constitutional order. It called on the FAD'H, pursuant to paragraph 4 (b) of the Mission's terms of reference, to guarantee the safety and well-being of all Haitians who had come into contact with it through the deposition of complaints of human rights abuses or who had otherwise aided its work. It further called on the FAD'H to guarantee the safety of all Haitian nationals who had been in the employ of the Mission.

29. Since the evacuation of the Mission, there have been reliable and consistent reports of an increased number of human rights violations, including killings - mostly in Port-au-Prince - and arbitrary arrests and threats to the security of person in different parts of the country, although the Mission ceased to be in a position to verify individual reports directly. Specific threats to local employees of the Mission and to people who had been in contact with it have been reported to it. The Mission reiterates in the strongest possible terms the accountability of the FAD'H to the international community for the safety of all such people.

APPENDIX

Report on the assassination of Mr. Antoine Izméry

Executive summary

1. The 17-page report of the investigation by the joint Organization of American States (OAS)/United Nations International Civilian Mission to Haiti (MICIVIH) on the assassination of Antoine Izméry concludes that the assassination was a carefully planned and orchestrated commando-style operation, involving the Forces Armées d'Haïti (FAD'H) and their agents, who carried out the execution with complete impunity. The report into the killing is the result of an investigation conducted by the Investigation and Research Department of the Human Rights Division of MICIVIH. It is based on eyewitness testimony of MICIVIH observers, interviews of 27 other witnesses, examination of photographic and documentary evidence, and on further investigations carried out by MICIVIH.

2. On 11 September 1993, Izméry, 50, a leading and outspoken supporter of ousted President Jean-Bertrand Aristide, was dragged out of a memorial mass at the Church of Sacré Coeur in Port-au-Prince, in the presence of foreign journalists and photographers, and murdered in cold blood in a public street heavily patrolled by the police.

3. Izméry had joined other Haitian political activists in creating the Joint Committee for the Emergence of the Truth (the Komite mete men pou verite blayi, KOMEVEB), which emphasized the need for a just transition of power and opposed any moves to grant impunity for government agents responsible for human rights violations.

4. Izméry was well aware that opposition activists in Haiti face immense personal danger. His brother Georges Izméry was assassinated in May 1992 and from May 1993 a number of activists close to him had been abducted in Port-au-Prince by armed men and taken to clandestine detention centres where they were interrogated under torture about Izméry's political activities. By August 1993, these abductions had become more numerous and activists from popular organizations close to KOMEVEB were being targeted.

5. In early September, KOMEVEB organized a memorial mass at the Church of Sacré-Coeur to commemorate the 11 September 1988 massacre at Saint-Jean Bosco Church, the parish church of Father Aristide.

6. On the morning of 11 September, in a two-stage deployment that began at about 0600, armed civilians and uniformed police were put in place in the neighbourhood around the Church of Sacré-Coeur. Several police vehicles, notably from the anti-gang police station, took part in the operation. Some of those who participated were deployed from buildings containing a military office closed to the public and a branch of the police situated only 100 metres from the church.

7. The group charged with carrying out the assassination included at least 15 people. Witnesses identified some of them, in particular one officer of the FAD'H, one man who had been recognized as a torturer in a clandestine detention

centre a short time before and several attachés. The group was equipped with automatic handguns and hand-held and mobile radio equipment. The attack itself was well-coordinated and aimed solely at Antoine Izméry. The church grounds and the adjacent street were placed under the control of armed men, who violently dispersed passers-by. Other armed men, some carrying machine-guns, blocked traffic in order to create an outer controlled zone for the execution.

8. At least five armed men entered the church during the memorial service, at around 0925, put a gun to Izméry's head and marched him outside. When they got him to the street, they forced him down on his knees with his hands behind his head. By this time he was surrounded by a dozen armed men. A man identified by some witnesses as Gros Fanfan, a former Macoute known to be an attaché leader, then approached Izméry and shot him twice in the head at point-blank range. A second victim, Jean-Claude Maturin, was killed nearby, apparently because he had become an inconvenient witness.

9. The killers benefited from the complicity and support of the security forces (some of them in uniform) present at the scene. For instance, the assassination team arrived and departed the scene protected and escorted by police vehicles.

10. The elaborate plan to assassinate Antoine Izméry could not have been carried out without the complicity, if not the direct participation, of highly placed members of the Haitian armed forces. The evidence in support of official collusion is clear: the nature and political implications of the crime; the use of commando tactics; the logistical means and resources required; the number and calibre of the participants involved; and the fact that KOMEVEB activities had frequently been the object of intelligence work by the military police.

11. The group that assassinated Antoine Izméry is part of a much larger permanent clandestine structure in which members of the FAD'H participate and which counts on the active support of political groups opposed to the return of President Aristide and on considerable logistical and financial support. According to MICIVIH investigations, several members of the group who executed Antoine Izméry are implicated in the organization of "private militia" or paramilitary groups in Port-au-Prince.

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THE SITUATION OF DEMOCRACY AND HUMAN RIGHTS IN HAITI

Note by the Secretary-General

Addendum

Status of the International Civilian Mission to Haiti

1. As reported by the International Civilian Mission to Haiti (MICIVIH), the Mission's observers faced increasingly threatening behaviour from members of the Forces Armées d'Haïti (FAD'H) and their attachés (civilian auxiliaries) in the first part of October (see A/48/532/Add.1, para. 25). Following the incidents which, on 11 October 1993, prevented the deployment of a contingent of the military component of The United Nations Mission in Haiti (UNMIH) arriving on board the United States Navy vessel the Harlan County, two meetings of the Security Management Team, chaired by my Special Representative, who is also the Special Envoy of the Secretary-General of the Organization of American States, were held in Port-au-Prince on 14 and 15 October 1993.

2. On 14 October 1993, upon the advice of the Security Management Team, my Special Representative and OAS Special Envoy recommended that phase III of the security plan should be implemented and, consequently, the International Civilian Mission personnel should be regrouped in the capital. In view of the deteriorating security situation in Haiti, the United Nations Security Coordinator agreed with that recommendation. The 11 teams which had been deployed outside Port-au-Prince made their way safely to the capital by 1700 hours on 15 October 1993.

3. On 15 October 1993, as proposed by the Security Management Team, my Special Representative and OAS Special Envoy recommended the implementation of phase IV, that is, the suspension of operations and evacuation of non-essential personnel. This recommendation was made in light of the latest developments in Haiti and the greatly raised level of threat to international personnel. It was approved by the United Nations Security Coordinator. As MICIVIH was no longer able to function, practically all of its personnel was considered non-essential. The office of my Special Representative was, therefore, reduced to a core group of essential personnel, mostly administrative, communications and security staff.

4. The members of MICIVIH were relocated to Santo Domingo on 15 and 16 October 1993. The first group of observers (125) was flown out of Port-au-Prince at 2100 hours on 15 October 1993 and the second group (55) on 16 October at 0800 hours.

5. On 12 November 1993, given the continued fluid situation in Haiti and the ongoing attempts to reinstate the process of implementation of the Governors Island Agreement, 1/ as well as the formal request made by President Aristide and his Government for the return of MICIVIH to Haiti, and, after consultation with the Organization of American States, the normal evacuation period of one month was prolonged until the end of November.

6. The President of the Security Council, in a statement made on 15 November 1993, encouraged me, "in consultation with the Secretary-General of the Organization of American States, to work for the earliest possible return of the International Civilian Mission to Haiti (MICIVIH)". 2/

7. On 25 November, upon the recommendation of my Special Representative and OAS Special Envoy, I further extended the evacuation status of the MICIVIH personnel until 31 December 1993. I retained this option on the basis of two main considerations. On the one hand, the prevailing security and logistical situation in Haiti, which would make it impossible for the members of MICIVIH to perform their functions in Haiti at the present time; and, on the other hand, the wish expressed by the constitutional Government of Haiti, as well as by Member States, to see the Mission redeployed as soon as possible, which made it desirable that the members of MICIVIH should remain in the area while efforts were pursued to create the necessary conditions for their return to Haiti. The Organization of American States has concurred with my decision, which I intend to review in mid-December.

Notes

1/ A/47/975-S/26063, para. 5.

2/ S/26747, p. 2.